

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INTERIOR ON THE FEDERAL WITNESS PROTECTION BILL, 2015

I, the Chairman of Standing Committee on Interior, have the honor to present this report on the Bill to provide for protection of witnesses for the purpose hereinafter appearing and the Code of Criminal Procedure, 1898 [The Federal Witness Protection Bill, 2015] (Private Member's Bills) referred to the Committee on 17th March, 2015.

2. The Committee consists of the following: -

1) Rana Shamim Ahmad Khan	Chairman
2) Syed Javed Ali Shah	Member
3) Mr. Ghalib Khan	Member
4) Dr. Ibadullah	Member
5) Sheikh Muhammad Akram	Member
6) Syed Iftikhar-ul-Hassan	Member
7) Makhdoomzada Basit Bokhari	Member
8) Mian Shahid Hussain Khan Bhatti	Member
9) Makhdoom Syed Ali Hassan Gillani	Member
10) Ms. Tahmina Daultana	Member
11) Mir Dostain Domki	Member
12) Mr. Nauman Islam Shaikh	Member
13) Mr. Ehsan-ur-Rehman Mazari	Member
14) Nawab Muhammad Yousuf Talpur	Member
15) Mr. Khial Zaman Orakzai	Member
16) Dr. Arif Alvi	Member
17) Kanwar Naveed Jameel	Member
18) Shaikh Salahuddin	Member
19) Ms. Naeema Kishwer Khan	Member
20) Mr. Sher Akber Khan	Member
21) Mr. Ahsan Iqbal, Minister for Interior	Ex-officio Member

3. The Committee considered the Bill placed at Annex-A in its meetings held on 19-01-2017, 14-02-2017, 03-03-2017 and 24-05-2017. The Committee recommends that the Bill placed at Annex-A may not be passed by the National Assembly.

Sd/-

(TAHIR HUSSAIN)

Secretary

Islamabad, the December 18, 2017

Sd/-

(RANA SHAMIM AHMAD KHAN)

Chairman

Standing Committee on Interior

(AS REPORTED BY THE STANDING COMMITTEE)

"Annex" A"

A BILL

to provide for protection of witnesses for the purpose hereinafter appearing.

WHEREAS it is expedient to provide for protection of witnesses to enable them to give evidence before court of law and further to amend Code of Criminal Procedure, 1898 for the purpose of enabling this Act and for matters ancillary thereto:

It is hereby enacted as follows:

1. **Short title, extent and Commencement.**-(1) This Act may be called the Federal Witness Protection Act, 2015

(2) It shall extend to the whole of Pakistan

(3) It shall come into force at once.

2. **Definitions.**-In this Act, unless the context otherwise requires:

- (a) "Board" means the Federal Witness Protection Advisory Board constituted under this Act;
- (b) "criminal proceedings" includes any criminal trial, appeal or inquiry before any Court of law having criminal jurisdiction, under the Code of Criminal Procedure, 1898, and any investigation by any other authority under any law;
- (c) "Government" means the persons authorized by law to administer executive Government in Pakistan, or in any part thereof;
- (d) "law enforcement agency" includes a body or agency responsible for the enforcement of laws relating to the prevention, detection and investigation of any offence;
- (e) "prescribed" means prescribed by rules;
- (f) "Programme" means the Witness Protection Programme established under this Act;
- (g) "protected person" means any person who is witness and has given evidence before any court of law in any civil and criminal proceeding and after bringing into the knowledge and with permission of the court of competent jurisdiction, has been placed under protection for the purposes of this Act;
- (h) "protection" means the protection to a witness provided in terms of this Act and includes reallocation or change of identity of, or other related assistance or services provided to, or protected persons, after bringing into the knowledge and with permission of the court of competent jurisdiction, as may be prescribed;
- (i) "related person" means any person, who is doing investigation and have been assisting the court of law with regard to doing complete justice, of any case in which person has given evidence can be declared related person and includes witness family member, after bringing into the knowledge of the court of law means and may member of the family or household of the witness, or any other person in a close relationship to, or association with, such witness;
- (j) "rules" means the rules made under this Act;
- (k) "Schedule" means the Schedule to this Act;
- (l) "serious offence" means an offence against a provision of -
 - (i) any law in force in the country
 - (ii) offences under Pakistan Penal Code, 1860; and

- (iii) offences as specified in the Schedule;
- (iv) any other offence which is declared serious offence by the court of competent jurisdiction.
- (m) "Unit" means the Provincial Witness Protection Unit established in each Province by the Provincial Government of the respective Province under this Act;
- (n) "Chief Witness Protection Officer" means an officer appointed under this Act;
- (o) "witness" means a person who -
 - (a) has made a statement in relation to the commission or possible commission of a serious offence;
 - (b) because of his or her relationship to or association with a person referred to in clause (i), may require protection or other assistance under this Act; or
 - (c) a person who has given evidence for and on behalf of the State or is called upon by the court to give evidence in which and whenever court deems fit to do complete justice.
- (p) "Threatened witness" means any witness in respect of whom, there is likelihood of danger to the safety of his or her life or life of his or close relatives; or serious danger to his or her property or property of his or her close relatives, by reason of his or her being a witness in the court of law and it is brought into the knowledge of the concerned court;
- (q) "Offender" means a person who discloses the witnesses' information or threatens or acts or transfer information in the manner that causes injury or any kind of harm to the witness or related person, either he is government servant or private person.

3. **Applicability of the Act.**-The provisions of this Act shall be applicable to the all stages of case including investigation, inquiry and trial of criminal offences.

4. **Establishment of Federal witness Protection Programme:-(1)** As soon as after the commencement of this Act, Government shall establish a Federal Witness Protection Programme for protection and safety of a witnesses in any proceedings under this Act.

(2) The actions in the Programme may include the following, by bringing into knowledge, after the due process and permission of court of law:-

- (a) making arrangements necessary-
 - (i) to allow the witness to establish new identity.
 - (ii) to allow a witness to conceal his or her identity by providing a specific Personal Identity Number (PIN) since the beginning of the criminal proceedings. The original identity of the witness shall be kept confidential with the Unit and PIN of witness shall be followed throughout the investigation, trial or other related proceedings.
 - (iii) to allow a witness to conceal his or her identity by wearing a mask, changing his or her voice, appearance or any other form of segregation during the investigation or trial, or examination under the law.
 - (iv) to allow video conferencing in order to secure the protected person, provided that such arrangement are approved by the concerned authority under this act; or
 - (v) to protect the witness otherwise.

- (b) relocating the witness;
- (c) providing accommodation for the witness;
- (d) providing transport for the property of the witness;
- (e) providing reasonable financial assistance to the witness, whenever practicable, for obtaining the means of livelihood;
- (f) providing compensation to the legal heirs, if the protected person is killed due to his participation in the programme, in case of death of permanent incapacity of the protected person during his protection, providing free education to his or her dependant minors;
- (g) making special arrangements for security of witness for reasonable period of time;
- (h) the above mentioned protection and facilities will also be provided to the family members of the witness if he or she demanded.

Provided that all information regarding above section 4 and its clauses, sub-clauses and acts and steps of the authority/witness forum must be put before the court and done and taken after bringing into the knowledge and permission of the court and information must be provided to the court of competent jurisdiction periodically and without delay and such information also be provided to the concerned court of law where case is pending.

5. Establishment of Federal witness Protection Advisory Board.-(1) Federal Government shall establish a Board to be known as the Federal Witness Protection Advisory Board, which shall consist of -

- (a) the Secretary, Interior Division, Government of Pakistan;
- (b) the Secretary, Law Department, Government of Pakistan;
- (c) the Secretary Finance, Government of Pakistan;
- (d) the Attorney General of Pakistan;
- (e) Home Secretary of the each Province.

(2) The Secretary, Home Department, Government of Pakistan shall be the ex officio Chairperson of the Board and Secretary, Law Department, Government of Pakistan shall also act as Secretary of the Board.

(3) The Federal Witness Protection Advisory Board shall advise the Provincial Witness Protection Boards generally on the exercise of its powers and performance of its functions under this Act and shall, in particular and without prejudice to the generality of the foregoing shall -

- (a) advise on the formulation of witness protection policies in accordance with the current law and international best practices;
- (b) check and ensure the fair administration of the Provincial Witness Protection Boards;
- (c) coordinate amongst the Provincial Witness Protection Boards in the country for better implementation of this Act; and
- (d) exercise such other powers and perform such other functions as may be conferred by or under this Act or assigned to it by Federal Government.
- (e) ensure the implementation of court orders/judgments without delay regarding the witnesses' cases, dangers to them and their protection.

6. **Provincial witness Protection Board.**-(1) If not already established, the Provincial Government of the each province in Pakistan shall establish a Board to be known as the Provincial Witness Protection Board, which shall consist of –
- (a) the Secretary, Home Department of respective province;
 - (b) the Secretary, Law Department of respective province;
 - (c) the Secretary Finance of respective province;
 - (d) the Advocate General of respective province;
 - (e) prosecutor general of the province
- (2) The Secretary, Home Department of respective province shall be the ex officio Chairperson of the Board and Secretary, Law Department shall also act as Secretary of the Board of respective province.
- (3) The Board shall administer the functions of Provincial Witness Protection Unit generally on the exercise of its powers and performance of its functions under this Act and shall, in particular and without prejudice to the generality of the foregoing shall –
- (a) make proposals/suggestions on the formulation of witness protection policies to Federal Witness Protection Advisory Board in accordance with the current law and international best practices;
 - (b) check and ensure the fair administration of the Witness Protection of respective unit;
 - (c) approve the budgetary estimates of the Provincial Witness Protection Unit of respective province; and
 - (d) exercise such other powers and perform such other functions as may be conferred by or under this Act or assigned to it by Provincial Government of respective province;
 - (e) make rules to regulate the purpose of this Act in the respective province;
7. **Establishment of a Witness Protection Unit.**-(1) A Unit to be called as the Witness Protection Unit, to facilitate the Programme shall be established in the Home Department of each province of Pakistan by the Provincial Government of respective province.
- (2) Provincial Government may, by notification in the official Gazette –
- (a) establish a branch office of the Unit in any defined area for the purposes of the administration of this Act; or
 - (b) abolish any branch office or incorporate it with any other such office, and may for this purpose make any administrative or other arrangements as deemed necessary;
8. **Unit to be headed by the Chief Witness Protection Officer.**-(1) The Unit shall be headed by the Inspector General of Police in each province, who shall be the Chief Witness Protection Officer of respective province.
- (2) The Chief Witness Protection Officer in a Province shall exercise such powers, perform such functions and carry out such duties as may be conferred upon, assigned to or imposed upon him or her by or under this Act, subject to the control and directions of Provincial Witness Protection Board.
- (3) The Chief Witness Protection Officer in a Province may, subject to the laws governing the public service, appoint on secondment or deputation a person as Deputy Director for Witness Protection Unit who shall, subject to the control and directions of the Chief Witness Protection Officer, exercise, perform or carry out any powers, functions and duties conferred upon, assigned to or imposed upon him by the Chief Witness Protection Officer.

(4) The Chief Witness Protection Officer shall be assisted, subject to his control and directions, by –

- (i) officers of the Home Department designated for that purpose by Government of the respective Province;
- (ii) Witness Protection Officers;
- (iii) Police force or members of the Police force of the respective Province;
- (iv) officers of any other Department of Government, or in the service of Government seconded to the service of the Unit, for a particular service;
- (v) or any person or officer or public servant designated or appointed by Government, subject to the provisions of this Act regarding administration of the Programme.

9. **Objects and purpose of the Units.**—The Unit shall provide the framework and procedure for giving protection on behalf of the State to persons in possession of important information who are facing potential risk, threat or intimidation due to giving evidence in any matter before the court of competent jurisdiction including the evidence on behalf of the State.

10. **Establishment of a Committee to assist the Head of the Unit.**—There shall be established a committee in each Province comprising of following officers to assist the Unit of the respective Province for making recommendations in terms of placing a witness under protection:—

- (i) Officer representative of Home Department of the respective province;
- (ii) Additional IGP Special Branch of the respective province;
- (iii) DIGP of the concerned Range (where the case is registered).

11. **Powers, functions and duties of the chief Witness Protection Officer.**—(1) The Chief Witness Protection Officer –

- (i) shall be responsible for the protection of witnesses and related persons, including temporary protection, and related services in accordance with the provisions of this Act;
- (ii) may make an arrangement with any Department of Government or enter into an agreement with any person, body, institution or organization –
 - (a) in terms of which the Unit shall be authorized to make use of the facilities or equipment belonging to or under the control of such department, person, body, institution or organization;
 - (b) in order to obtain documents and other information that may be required for the protection of a protected person; or
 - (c) regarding any matter for the purpose of giving effect to the provisions of this Act;
- (iii) may designate place or places to be used or utilized as place or places of safety;
- (iv) shall exercise control over witness protection officers and security officers; and
- (v) may exercise powers and shall perform functions or carry out the duties conferred upon, assigned to or imposed upon him or her by or under this Act.

(2) The Chief Witness Protection Officer may either in general or in a particular case or in cases of a particular nature, in writing delegate any power, function or duty

conferred upon, assigned to or imposed upon him or her by the Provincial Witness Protection Board under this Act to any other member of the Unit.

(3) The Chief Witness Protection Officer may, at any time in writing, withdraw such delegation, and that the delegation of any power, function or duty under sub-section 2(a) above, shall not prevent the Chief Witness Protection Officer from exercising, performing or carrying out such power, function or duty himself.

(4) All Departments of Government shall render such assistance as may be reasonably required in the exercise, performance or carrying out of the powers, functions and duties conferred upon, assigned to or imposed upon the Chief Witness Protection Officer by or under this Act.

12. **Witness Protection Officers.**-(1) Provincial Government may, subject to the laws governing the public service, appoint a reasonable number of witness protection officers.

(2) The Witness Protection Officers shall in the exercise of powers, performance of functions and carrying out duties conferred upon, assigned or imposed upon them by the Chief Witness Protection Officer, assist the Chief Witness Protection Officer.

13. **Functions of the Unit.** The functions of the Unit shall be to -

- (a) establish and maintain the Programme;
- (b) determine the criteria for admission to and removal from the Programme;
- (c) determine the type of protection measures to be applied;
- (d) advise any Government department, agency, body or any other person on the adoption of strategies and measures on witness protection; and
- (e) perform such other functions as may be necessary for carrying out the purposes of this Act, or any other functions as may be assigned to it by Government.

14. **Powers of the Unit.** The Unit shall have powers to -

- (a) control and supervise its staff in a manner as may be necessary for the promotion of the purpose and the object for which the Unit is established;
- (b) administer the funds and assets of the Unit;
- (c) collect, analyze, store and disseminate information related to witness protection;
- (d) give such instructions to a protected person as the Agency may consider necessary;
- (e) summon a public officer or other person to appear before it or to produce a document or thing or information which may be considered relevant to the functions of the Unit within a specified period of time and in such manner as it may specify.

15. **Inclusion of a Witness in the Programme.**-(1) The Chief Witness Protection Officer shall be responsible to provide the following information before the court of competent jurisdiction and finally court to decide for inclusion of a witness in the Programme, and shall be responsible to give due regard to the report and recommendations of the committee specified in section 9 and the witness protection officer concerned, in terms of the following:-

- (a) the seriousness of the offence to which the statement or evidence of the witness relates;
- (b) the nature and importance of that statement or evidence;

- (c) the nature of the perceived danger to the witness;
 - (d) the nature of the witness's relationship to any other witness being assessed for inclusion in the Programme;
 - (e) any danger that the interest of the community might be affected, if the witness or any related person is not placed under protection;
 - (f) the nature of the proceeding in which the witness has given evidence or is or may be required to give evidence, as the case may be;
 - (g) the probability that the witness or any related person will be able to adjust to protection, having regard to the personal characteristics, circumstances and family or other relationship of the witness or related person;
 - (h) the cost likely to be involved in the protection of the witness or any related person;
 - (i) the results of any psychological or psychiatric examination or evaluation of the witness conducted to determine his or her suitability for inclusion in the programme;
 - (j) whether there are viable alternative methods of protecting the witness; and
 - (k) whether the witness has a criminal record, particularly in respect of violent crime, which indicates a risk to the public if he or she is included in the programme;
 - (l) Any other factor that the court inquires about and deems relevant.
- (2) A witness shall not be included in the Programme unless the witness, or a person legally responsible for the person, agrees in writing and gives agree statement in the court for the inclusion in the Programme.

16. **Protection Agreement.**-(1) Subject to sub-section (2), the Chief Witness Protection Officer, before placing any witness or related person under protection, shall -
- (a) enter into a written protection agreement with such witness; and
 - (b) where applicable, enter into a separate written protection agreement with each related person, setting out the obligations of the Chief Witness Protection Officer and the witness or related person in respect of his or her placement under protection.
- (2) A protection agreement shall set out the terms and conditions under which a witness or related person is to be placed under protection, including-
- (a) an obligation on the Chief Witness Protection Officer -
 - (i) to take such reasonable steps as are necessary to provide the protected person with the protection and related services, as referred to in the protection agreement concerned; and
 - (ii) not to keep a protected person under protection in any prison or police cell, unless otherwise agreed upon and duly informed and permitted by the court of competent jurisdiction;
 - (b) an obligation on the witness or the related person -
 - (i) where applicable, to give the evidence as required in the proceedings to which the protection relates;
 - (ii) to meet all financial obligations incurred by him or her that are not payable by the Unit in terms of the protection agreement;

- (iii) to meet all legal obligations, including any obligation regarding the custody and maintenance of children and taxation obligations;
- (iv) to refrain from activities that constitute a criminal offence;
- (v) to refrain from activities that might endanger his or her safety or that of any other protected person;
- (vi) to accept and give effect to all reasonable requests and directions made or given by any member of the Unit in relation to the protection provided to him or her and his or her obligations;
- (vii) to inform the Unit of any civil proceedings which have or may be instituted by or against him or her or in which he or she is otherwise involved;
- (viii) to inform the Unit of any proceedings in which he or she was or may be involved, either as a witness or accused or otherwise; and
- (ix) not to endanger the security or any other aspect of the protection of witnesses and related persons or related services or any other matter relating to a Programme provided for in this Act;

(c) any other prescribed terms and conditions or obligations agreed upon; and

(d) a procedure in accordance with which the protection agreement may, if necessary, be amended.

17. **Court orders Protecting Witness from Identification.**-(1) For the purposes of this Act, the Unit may apply to the Court for an order authorizing a specified person or class of persons –

(a) to make a new entry in the register of births, register of deaths or register of marriages in respect of a witness;

(b) to issue in the witness's new identity a document of a kind previously issued to the witness.

(2) The Court may, if it is satisfied that the life or safety of that person may be endangered by virtue of the person being a witness, make a witness protection order.

(3) Any proceedings of the Court under this section shall be conducted in camera, and all records of the proceedings shall be sealed.

(4) While making of a witness protection order under sub-section (2), any person authorized to do so by the order may make such entries in the register of births, register of deaths or register of marriages as are necessary to give effect to the order.

(5) An entry made in the register of births, register of deaths or register of marriages shall have effect as if it were a valid entry made under the Births, Deaths and Marriages Act.

18. **Appeal.**-(1) Any person who is aggrieved by an order passed under section 16 above may appeal against such order to the High Court within thirty days from the receipt of such order.

(2) The High Court shall decide the appeal as expeditiously as possible and preferably within thirty days from the date of service of notice on respondent.

19. **Termination of Protection and Assistance.**-(1) The protection and assistance provided under the Programme –

- (a) shall be terminated by Chief Witness Protection Officer if the participant or, as the case may be, protected person requests in writing that it be terminated; and
- (b) may be terminated in writing by Chief Witness Protection Officer if—
 - (i) the witness deliberately breaches a requirement or undertaking relating to the Programme;
 - (ii) the witness's conduct or threatened conduct is, in the opinion of the Chief Witness Protection Officer, likely to threaten the security or compromise the integrity of the Programme; or
 - (iii) the circumstances that gave rise to the need for protection and assistance for the witness have ceased to exist, and the Chief Witness Protection Officer is of the opinion that, in all the circumstances of the case, the protection and assistance should be terminated.
 - (iv) the safety of the person is no longer threatened;
 - (v) satisfactory alternative arrangements have been made for the protection of the person;
 - (vi) the witness, in making application for placement under protection, willfully furnished false or misleading information or particulars or made a statement which is false or misleading in any material respect, or willfully failed to disclose any information or particulars material to his or her application;
 - (vii) the behavior of the person has endangered or may endanger the safety of any protected person;
 - (viii) the evidence of a witness is no longer required in the concerned proceeding which might be established upon receipt of a written notice given by the interested functionary or that such proceedings have been concluded by written notice.

(2) A decision of the Unit to terminate protection and assistance under the Programme shall take effect -

- (a) when the Unit notifies the witness of the decision;
- (b) if the witness's location is not known and the Chief Witness Protection Officer has taken steps to notify the witness, at the end of a period of twenty eight days after those steps were taken.

20. **Review by the Government.**-Any person aggrieved by any decision of or steps taken by the Chief Witness Protection Officer or any person acting on behalf of the Chief Witness Protection Officer under the provisions of this act, may within the prescribed period and in the prescribed manner, apply to Government to review the decision or steps taken.

21. **Obligation on Protected Person.**-(1) A person whose protection has not been terminated shall not disclose his or her former identity for any purpose, and it shall be lawful for that person, in any proceedings or for any purpose to claim that his or her new identity is his or her only identity.

(2) If there are reasons to believe that a protected person who has been provided with a new identity under the Programme is using the new identity to -

- (a) avoid obligations that were incurred before the new identity was provided; or
 - (b) avoid complying with restrictions that were imposed before the new identity was provided.
- (3) The Unit may, after giving notice in writing to the protected person, take appropriate legal action against him.
22. **Restoration of Former Identity.**—The Unit may, if it considers appropriate, restore the former identity of a person whose protection and assistance under the Programme has been terminated.
23. **Disclosure of Information.**—(1) No person shall disclose any information which in the exercise of powers, performance of functions or carrying out the duties conferred upon, assigned to or imposed upon him or her by or under this Act or in the course of the performance of any functions relating to the provisions of this Act except —
- (a) for the purpose of giving effect to the provisions of this Act;
 - (b) when required to do so by any competent court;
 - (c) if he or she is authorized thereto by the Chief Witness Protection Officer; or
 - (d) in terms of sub-section (2).
- (2) The Chief Witness Protection Officer may, subject to sub-section (1), and on such terms and conditions as he deems fit, disclose any information in respect of protected person —
- (a) with the consent of the protected person; or
 - (b) in any criminal proceedings if the disclosure is necessary to establish the guilt or the innocence of a person;
 - (c) if the Chief Witness Protection Officer is notified by the competent authority that the protected person is under investigation for, or has been arrested for, or is charged with a serious offence, the Chief Witness Protection Officer may —
 - (i) release to that authority the new identity or location of the person;
 - (ii) provide that authority with the criminal record and fingerprints of the person;
 - (iii) release to that authority such other information as Chief Witness Protection Officer considers appropriate in the circumstances; and
 - (iv) Otherwise cooperate with that authority.
- (3) The Chief Witness Protection Officer shall, in determining whether information in respect of a protected person should be disclosed as contemplated in subsection (2), take into account —
- (a) the reasons for the disclosure;
 - (b) the probability that the disclosure may endanger the safety of the protected person concerned or that of any other protected person or the integrity of a Programme under this Act;
 - (c) whether the need for the disclosure can effectively be met by any other means;
 - (d) whether there are effective means available to prevent any further disclosure of the information; and

(e) any other factor that, in the opinion of the Chief Witness Protection Officer should be taken into account.

(4) Any person who contravenes the provisions of sub-section (i), commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding twenty years.

24. **Identity of Protected Person not to be disclosed in Court proceedings.**-(1) Where in any proceedings in a Court, tribunal, commission or in any inquiry, the identity of protected person is in issue or may be disclosed, the court, tribunal, commission or inquiry shall, unless it considers that the interest of justice requires otherwise -

(a) conduct that part of the proceedings that relates to the identity of the participant in camera; and

(b) make such order relating to the suppression of publication of evidence given before the court, tribunal, commission or inquiry as, in its opinion, will ensure that the identity of the protected person is not disclosed.

(2) Any civil proceedings in which a protected person is a party or a witness, may be proceeded within terms of the laws regulating such proceedings. However, if it appears to a Judge of the court in an application, made to him by the Chief Witness Protection Officer that the safety of any protected person might be endangered by the institution or prosecution of any civil proceedings in which a protected person is a party or a witness, the Judge may make any order as he deems appropriate with regard to the institutions or prosecution or postponement of those proceedings in a manner aimed at -

(a) preventing the disclosure of the identity or whereabouts of the said person; or

(b) achieving the objects of this Act.

(3) The address of the Unit shall for all purposes of service of process on a protected person serve as the address of such person.

25. **Publication of Information concerning protected person.**-Notwithstanding anything contained in any law for the time being in force or any judgment of any court, the Witness Protection Officer shall, at any proceedings instituted or conducted in terms of any law, in which the protected person is a party or a witness and in respect of which he or she is in terms of any law compellable to answer questions or to give evidence or to produce any book, record, document or object in his or her possession or under his or her control in such proceedings, make an order prohibiting the publication of any information, including any drawing, picture, illustration, painting, photograph, whether produced through or by means of computer software on a screen or a computer print-out, pamphlet, poster or other printed matter, which may disclose -

(i) the place of safety or location where he or she is or has been under protection or where he or she has been relocated in terms of this Act;

(ii) the circumstances relating to his or her protection;

(iii) the identity of any other protected person and the place of safety or location where such person is being protected; or

(iv) the relocation or change of identity of a protected person, unless the Chief Witness Protection Officer satisfies the Witness Protection Officer concerned that exceptional circumstances which are in the interest of justice exist why such an order should not be made.

26. **Offences relating to witness protection.**-(1) Any person who –
- (a) willfully or negligently allows any unauthorized person to gain access to any protected person;
 - (b) willfully or negligently discloses, in contravention of any provision of this Act –
 - (i) the identity of any protected person;
 - (ii) information that a particular protected person is under protection;
 - (iii) the place of safety or location where any person is under protection or has been relocated in terms of this Act;
 - (iv) any information which could lead to the identification of any such person or any such place of safety;
 - (v) any information which undermines or compromises or could undermine or compromise the integrity of a Witness Protection Programme in terms of this Act; or
 - (vi) any information relating to the relocation or change of identity of a protected person; or
 - (vii) any information that compromises the security of such a person;
 - (c) willfully or negligently contravenes any provisions of exception contained in this Act regarding disclosure of information or in contravention of any conditions determined by the Chief Witness Protection Officer, shall be guilty of an offence and on conviction be liable to a fine or to imprisonment according to the gravity of offence for a period not exceeding fifteen years.
- (2) (a) Any person who –
- (i) willfully interferes with, or hinders or obstructs the Chief Witness Protection Officer or any other member of the Unit in the exercise, performance or carrying out of any of his or her powers, functions and duties contemplated in this Act; or
 - (ii) with intent to gain for himself or herself or for any other person protection in terms of this Act, makes any false statement or furnishes information that he or she knows to be untrue or misleading,
- (b) shall be guilty of an offence and on conviction be liable to a fine or to imprisonment for a period not exceeding ten years.
27. **Abetments and attempts.** Any person whatever he has authority and wherever he resides who abets or attempts to commit any offence punishable under this Act shall be liable to be punished with the punishment provided for that offence.
28. Any person who has given evidence and is declared witness under this act and if he hostile from his/her statement given in criminal proceeding shall be liable to be punished, according to the gravity of offence in which he/she has given evidence, with the punishment not exceeding ten years.
29. **Powers of police officers not derogated.** Nothing contained in this Act shall derogate from the powers of a Police Officer to provide protection and assistance to a witness under Police Act, 1861 and rules made there under.
30. **Report to the Government.**-(1) The Chief Witness Protection Officer shall, not later than 31st day of January of the following year, submit an annual detailed report to

federal relating to the general operation, performance and effectiveness of the Programme.

(2) The Chief Witness Protection Officer may submit his report for each quarter of months in a year or whenever he considers it necessary to do so, submit special report to federal Government immediately on any matter relating to the Programme.

31. **Rules.**—Board may make rules for carrying out the purposes of this Act.

32. **Amendment of section 68, Act V of 1898.**— In the Code of Criminal Procedure, 1898 (Act V of 1898) in section 68, sub section (2) shall be substituted by this Act as follows:—

“(2) Summons by whom served. Such summons shall be served by a police-officer, or [Witness Protection Unit], or subject to such rules as the Witness Protection Advisory Board may prescribe in this behalf, by an officer of the Court issuing it or other public servant”

33. **Amendment of section 161, Act V of 1898.**— In the Code of Criminal Procedure, 1898 (Act V of 1898), in section 173, after sub section (3), the following new proviso shall be inserted;

“Provided that only Personal Identity Number of witness shall be mentioned everywhere in the statements by the Police Officer and original names and address of the witnesses shall not be disclosed.”

34. **Amendment of section 173, Act V of 1898.**— In the Code of Criminal Procedure, 1898 (Act V of 1898), in section 173, sub section 1,—

(i) Clause (a) shall be substituted by this Act as follows:—

“(a) forward to a Magistrate empowered to take cognizance of the offence on a police-report, a report in form prescribed by the federal government, Provincial Government, setting forth the names of the [accused persons], the nature of the information and the [Personal Identification Numbers] of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused (if arrested) has forwarded in custody or has been released on his bond, and, if so, whether with or without sureties, and”

(ii) following proviso shall be inserted after section 173 sub section 1:

“Provided that only Personal Identity Number of witness shall be mentioned everywhere in the report by the Investigation Officer and original names and address of the witnesses shall be forwarded to the Witness Protection Unit and the court of competent jurisdiction for keeping record and usage when and wherever required.”

SCHEDULE

(Offences in respect of which a witness or related person may be placed under protection)

1. Treason
2. Sedition
3. Murder
4. Rape

5. Public violence
6. Robbery-
 - (a) when there are aggravating circumstances; or
 - (b) involving the taking of a motor vehicle.
7. Kidnapping
8. Defeating the ends of justice
9. Perjury
10. Assault on a child under the age of 16 years, involving the infliction of grievous bodily harm.
11. Assault on a woman of any age, involving the infliction of grievous bodily harm.
12. Any offence related to contraband drugs and drugs trafficking if -
 - (a) the value of the substance and question is more than rupees one million; or
 - (b) the offence was committed by any law enforcement officer.
13. Any offence related to human trafficking, woman trafficking
14. Any offence referred to in code of criminal procedure, Pakistan penal code.
15. Any offence relating to -
 - (a) the dealing in or smuggling of ammunition, firearms, explosives or armament; or
 - (b) the possession of an automatic or semi-automatic firearm, explosives or armament.
16. Any offence relating to exchange control, corruption, extortion, fraud, forgery, uttering or theft-
 - (a) involving amounts of more than rupees one million; or
 - (b) involving amounts of more than rupees one million if it is alleged that the offence was committed by a person, group of persons, syndicate or any enterprise acting in the execution or furtherance of a common purpose or conspiracy; or
 - (c) if it is alleged that the offence was committed by any law enforcement officer-
 - (i) Involving amounts of more than rupees one million; or
 - (ii) as a member of a group of persons, syndicate or any enterprise acting in the Execution or furtherance of a common purpose or conspiracy.
17. Any offence referred to in any law relating to offences of sabotage against the State.
18. Any conspiracy, incitement or attempt to commit any offence referred to in this Schedule.
19. Any other offence which is declared by the court of competent jurisdiction.
20. Any other offence in respect of which court has directed to the federal government or provincial to bring the offence under this act and it is alleged that the offence was committed by
 - (a) a person, group of persons, syndicate or any enterprise acting in the execution or furtherance of a common purpose or conspiracy; or
 - (b) a law enforcement officer, and in respect of which the Chief Witness Protection Officer is of the opinion that the safety of a witness who is or may be required to give evidence, or who has given evidence in respect of such an offence in any proceedings or any related person, warrants protection.

STATEMENT OF OBJECTS AND REASONS

In view of increasing law and order situation in the country, to control the terrorist acts of the persons and group of persons regarding witness protection, it is necessary to encourage the witnesses and to protect them and their families because witnesses in the legal proceedings

in civil or criminal, due to fear of their lives, related families and properties do not come forward to give evidence against the accused persons, consequently increasing the ratio of crimes in the country. It is expedient to establish a Witness Protection Programme at federal level, by enacting this law which shall protect the witnesses from any sort of harm by the hands of offenders in connection of giving evidence against them. Proposed amendment bill gives special power to the courts to monitor the acts of authorities regarding witness protections. Human trafficking specially woman trafficking must be controlled by the protection of witnesses. It is necessary that witness once has given evidence should not be back from his statement. It is also proposed in the bill that Provided that all information regarding mentioned in section 4 and its clauses, sub-clauses and acts and steps of the authority/witness forum must be put before the court and done and taken after bringing into the knowledge and permission of the court and information must be provided to the court of competent jurisdiction periodically and without delay and such information also be provided to the concerned court of law where case is pending.

The Bill seeks to achieve the above-said objects.

Sd/-

Ms. Aisha Syed
Sahibzada Muhammad Yaquob
Sahibzada Tariq Ullah
Mr. Sher Akber Khan,
Members, National Assembly.