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The protection of witnesses as a cornerstone for justice and reconciliation in the Balkans

Reply to Recommendation¹: Recommendation 1952 (2011)
Committee of Ministers

1. The Committee of Ministers has given close consideration to [Recommendation 1952 \(2011\)](#) on “The protection of witnesses as a cornerstone for justice and reconciliation in the Balkans”, which it has communicated to the European Committee on Crime Problems (CDPC) for information and possible comments.
2. The Parliamentary Assembly underlines the urgency of protecting witnesses effectively and stresses the need to ensure full implementation of Committee of Ministers’ Recommendations Rec(97)13 concerning intimidation of witnesses and rights of the defence and Rec(2005)9 on the protection of witnesses and collaborators of justice. It therefore calls on the Committee of Ministers to instruct its relevant committees to prepare an evaluation report on the level of implementation of Recommendations Rec(2005)9 and Rec(97)13, to be submitted to the Parliamentary Assembly and to instruct the European Committee on Crime Problems (CDPC) to undertake a feasibility study on whether the protection and support of witnesses could be the subject of a future Council of Europe convention.
3. The Committee of Ministers welcomes the initiative of the Parliamentary Assembly to foster co-ordinated efforts beyond the region concerned to accept and relocate protected witnesses to acquire new identities if needed. In this regard, it observes that witnesses can be particularly vulnerable to acts of violence, not only in the context of prosecution of war crime cases, but also in relation to cases relating to organised crime or trafficking. Moreover, safeguards for witness protection can only be fully effective in combination with other procedural measures such as a simplified extradition procedure, the effective implementation of measures related to mutual assistance in criminal matters, the establishment of joint investigative teams and other measures of international co-operation.
4. The Committee of Ministers does not at this stage see the benefit of undertaking a feasibility study on whether the topic of the protection and support of witnesses could be the subject of a future Council of Europe convention. The Committee is of the opinion that the required improvements relate to the implementation level.

1. adopted at the 1122nd meeting of the Ministers’ Deputies (28 September 2011)

