



# **PROTECTION FOR PARTIES IN THE CASE (Accused/Victim/Witness)**

***An Indian Scenario  
in the Global  
Perspective***



INTERNATIONAL  
ASSOCIATION OF  
PROSECUTORS



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***PROTECTION TO  
THE ACCUSED***

***Physical Protection  
Psychological Protection***



A hand holding a set of keys is visible on the left side of the slide. On the right side, there is a red telephone receiver resting on a surface. The background is a light blue gradient.

# ***RIGHTS OF THE ACCUSED***

**To know the Accusation**

**To be tried in his presence**

**To take evidence in his presence**

**To cross examine Prosecution Witness**

**To Produce evidence in Defense**

**To have reasoned decision**

**To get the Benefit of Doctrines of  
*Autrefois Acquit* and *Autrefois  
Convict***



## ***PROTECTION OF VICTIM / WITNESS***

- ***According to Bentham, “witnesses are the eyes and ears of justice”.***
- ***Each and every statement of theirs is very important as it has a magic force to change the course of the whole case.***



## ***Why Witness turn Hostile?***

- ***i) Threat/intimidation***
- ***ii) Inducement by various means***
- ***iii) Allurement/seduction***
- ***iv) Disillusionment caused by the delay in the judicial process***





## **UN guidelines of Victims and Witness**

**to be treated with respect and  
recognition**

- **to be referred to adequate support  
services**
- **to receive information about the progress  
of the case**
- **to be present and to be involved in the  
decision-making process**
- **to counsel & to protection of physical  
safety and privacy**
- **to compensation, both from the offender  
and the court.**



***Supreme Court  
of India  
on Victim Protection***



***Best Bakery Case***

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## **3 categories of witnesses**

- **victim-witnesses who are known to the accused;**
- **victims-witnesses not known to the accused (e.g. as in a case of indiscriminate firing by the accused) and**
- **witnesses whose identity is not known to the accused.**





# Witness Identity Protection

- (i) At the stage of investigation:***
- (ii) During inquiry and before recording evidence at the trial:***
- (iii) Recording evidence during the trial in the Sessions Court: two-way closed circuit television***

A hand holding a set of keys, including a car key and a house key, is shown on the left side of the slide. On the right side, a red telephone receiver is visible, resting on a surface. The background is a soft, out-of-focus blue and white gradient.

## **Witness Protection Programmes:**

- **Witness Protection Programme – A comparative study of programs in various countries**



## **Victimology & Compensation to the Victims**

**“The Prosecuting Agency must protect the interests of victims. It is basically the responsibility of the State to do so. The Victim of the Crime, is at once the Victim of the State’s failure to protect him or her”**



## **Victim Witness Assistance Programmes**

- **To enlighten Citizen on laws**
- **To help the victims to overcome difficulties in language,**
- **To advice them on the problems**
- **To provide basic information**



## Basic Information to WITNESS

- date of hearing
- name of other witness
- date of adjournment if any
- mode of transport
- assistance available for Women & accompanying Children
- Facilities available for Victims in the Court hall etc.
- Provision to get Leave from employer to attend Court
- Preparation for the trial
- Provision for Victim Compensation and Travelling Expense from Court
- Information regarding the result of the Case and Subsequent actions.
- Protection for the Victim/Witness
- Counseling to overcome the trauma