

**SUMMARY RECORD OF THE INTER-REGIONAL SOUTHEAST ASIA NATIONS
MEETING: “STRENGTHENING REGIONAL COOPERATION
ON THE PROTECTION OF WITNESS OF CRIME”**

AGENDA ITEM 1: OPENING OF THE MEETING

1. The Inter-Regional Southeast Asia Nations Meeting: “Strengthening Regional Cooperation on the Protection of Witness of Crime” was held in Kuta, Bali, from 11–14 November 2013. The Inter-Regional Southeast Asia Nations Meeting was hosted by The Indonesian Witness and Victims Protection Agency in cooperation with Ministry of Foreign Affairs of The Republic of Indonesia. The Meeting was attended by the delegation from Indonesia, Malaysia, Philippines, Thailand, Cambodia and Papua New Guinea also representative from the United Nations Office on Drugs and Crime (UNODC) – Jakarta. The meeting was chaired by Mr. Andhika Chrisnayudhanto, Ministry of Foreign Affairs.
2. The Meeting was opened by Mr. Abdul Haris Semendawai, Chairperson of the Indonesian Witness and Victims Protection Agency. In his opening remarks, Mr. Semendawai explained that the meeting was a mandate of the International Conference on Protection of Witnesses and Victims of Transnational Organized Crime held in Nusa Dua, Bali, 11–13 June 2012. As a way forward for the meeting, he suggested that the outcomes of the meeting and outcomes of the international conference be streamlined into existing regional mechanism, such as ASEAN and seek the possibility of establishing a regional mechanism that would strengthen networking at the operational level.
3. The Keynote speech was delivered by H.E. Ambassador I Gusti Agung Wesaka Puja, Director-General of ASEAN Cooperation, Ministry of Foreign Affairs of the Republic of Indonesia. In the keynote speech, he stated that the ASEAN Declaration on Human Rights would be the sound basis and epitome for furthering the work in the protection of the witnesses and victims in the region. For that reason, the suggestion of the keynote speaker is to inline the work of the meeting with the ASEAN mechanism. It is hoped that the meeting would start its work by a step by step approach towards the multifaceted nature of the issues related to witness and victim protection that to be discussed extensively. It is also cross-cutting in nature and involves various approaches, from the perspectives of upholding human rights standards, law enforcement, and prevention of crime. It is without doubt that strengthening regional and international cooperation in the protection of witnesses and victims underscores the importance of this Meeting.

AGENDA ITEM 2: ADOPTION OF THE PROVISIONAL AGENDA AND TENTATIVE PROGRAMME OF WORK

4. The Provisional Agenda and Tentative Programme of Work were adopted unanimously.

AGENDA ITEM 3: COUNTRY REPORTS ON WITNESS AND VICTIMS PROTECTION

5. The Delegation of Cambodia, Pol Brig. Gen. Say Mengchheang, presented its country report on the protection of victims of trafficking in persons, which is a top priority in the Cambodian government. The government of Cambodia has established a Department of Anti-Human Trafficking and Juvenile Protection since 2002. A national coordinating mechanism is in place and seven working groups have been established among which caters victims protection. Cambodia also has in place a three years National Plans of Action. Based on its slot analysis, Cambodia identified cooperation in the protection of victim as the weakness, including lack of effective mechanism between countries. In furthering the work of the meeting, Cambodia proposed as follow: (1) Designation of focal points, (2) review of laws and regulations, (3) dedicated training and capacity building in the protection of victims of trafficking persons.
6. The delegation of Indonesia, Prof. Dr. H. Teguh Soedarsono, SIK, SH, MSi as the member of Indonesian Witness and Victims Protection Agency elaborated on the establishment of Indonesian Witness and Victims Protection Agency since the 'reformation' era, coupled with the support of the civil society to protect witnesses and victims of gross violation of human rights. He also elaborated further, on the duties and role of the Indonesian Witness and Victims Protection Agency, including providing protection and assistance to witnesses and victims in criminal justice process, facilitating recovery measures for victims of certain crimes, building cooperation with relevant institutions and authorities in the implementation of protection and assistance to witnesses and victims. Victims and Witnesses have the rights to have the protection in terms of physical protection, legal protection, assistance and reward to justice collaborator and whistle-blowers.
7. The delegation of Malaysia, Asst. Commissioner of Police. Arshad Bin Abdul Jalil presented on the Witness Protection Program in Malaysia through the enactment of the Witness Protection Act 2009. The Witness Protection Division is under the Prime Minister's Department as an independent body. Furthermore, he elaborated on the structure of Witness Protection Division; process of entry for protection of witnesses and the list of crimes in the provision of witness protection. He also elaborated on Malaysia's participation with Europol network through the Conference on Witness Protection, and that Malaysia has entered into bilateral agreement with Turkey, Australia and Hongkong for the protection of witnesses. For future plans of the meeting, he suggested work on the areas of capacity building and trainings; logistical support for witness protection agencies; and ICT developments.
8. The delegation of Papua New Guinea, Ruth Koddy and Amanda White, Department of Justice and Attorney General, explained that they have not a national legislative framework for the protection of witnesses and victims. However, the public prosecutor office has established "Witness Support Unit" with limited mandate of protecting and assisting victims and witness for sexual offense related crimes. The criminal investigation also within its mandate assists with the physical protection of witnesses in the court proceedings. Furthermore, PNG recently has adopted a

legislative framework for trafficking in persons and smuggling of migrants which also extends to the protection of victims of trafficking in persons and smuggled migrants.

9. The delegation of Philippines, Attorney Martin T. Menez as the Program Director of Witness Protection Program, Department of Justice, elaborated on its Witness Protection Legislation in the Philippines. The legislation provided for rewards and incentives for state witnesses and informants and other purposes. It also provides immunity from criminal prosecution to state witnesses and for other purposes. There are three admissions for qualifications: ordinary witness, state witness, witness in legislative investigation. He further elaborated the rights and benefits of witness, such as security protection, relocation, financial assistance, non-demotion from work, secure housing facility, re-identification, livelihood assistance, and immunity. Currently, the Philippines is reviewing its national legislation on the protection of witness. He also proposed that the meeting strengthen its international cooperation by establishing a technical working group by among others drafting a roadmap.
10. The delegation of Thailand, Thanakorn Stananoda and Nareeluc Pairchaiyapoom, the Department of Rights and Liberties Protection explained that Thailand has two separate laws on victims and witness protection. On the aspects of witness protection, Thailand since 2003 has established Witness Protection Office (WPO) which is supported by signing of MOUs with relevant law enforcement agencies. Thailand has two measurements for the qualification of witnesses, namely of general nature and special nature, relating to grave crimes with a ten-year minimum imprisonment. As for the protection of victims, Thailand has enacted the so-called state compensation act which provides remedial actions for victims through its "Justice Fund" for five types of crimes.
11. The meeting took note of various lesson learned and best practices omitting from the country reports, namely (1) the importance of civil society involvement in the protection of witnesses and victims; (2) effective protection of witnesses leads to higher conviction rates; (3) establishing fund for victims of crimes in provision of restitution and compensation.

AGENDA ITEM 4: THEMATIC DISCUSSION ON WITNESS AND VICTIMS PROTECTION: STRENGTHENING REGIONAL AND INTER-REGIONAL COOPERATION

12. The meeting took note of the non-paper provided by the Organizing Committee. The non-paper provides the background for the thematic discussion as a reference for the various UN standards and norms on protection of witnesses and victims; and serves as the guideline for discussion at the thematic discussion. The non-paper appears as Annex 9. The meeting took note of the presentation made by Mrs. Lies Sulistiani, member of Indonesian Witness and Victims Protection Agency, on the "Review of the Joint-Statement of the International Conference on the Protection of Witnesses and Victims of Transnational Organized Crime, held in Nusa Dua, Bali, 11-13 June 2012". The presentation is attached as **Annex 10**. The meeting took note of the presentation by Adhi Ardian Kustiadi, United Nations Office on Drugs and Crime (UNODC)- Jakarta, on the "United Nations Norms and Standards: Best

Practices in Strengthening International Cooperation on Witness and Victims Protection”.

13. The meeting took note various comments to the non-paper and the two presentations on the way forward to strengthening regional cooperation in witness and victims protection. The meeting also took note that one viable means would be to streamline the outcomes of the International Conference and the Inter-regional Meeting to an established regional mechanism, such as ASEAN. Furthermore, the meeting also sought the possibility of establishing a regional organisation with the modalities among others as follow: based on human rights perspectives in the protection of witnesses and victims; conduct assessment needs for technical assistance as well as capacity building needs; training programs, such as common day-to-day handling of witnesses, psychological approach towards witnesses and the use of ICT for training manuals for officers in the national protection agencies. The meeting was of the view that the regional organisation would further strengthen networking among national witness protection agencies in the region.

AGENDA ITEM 5: ADOPTION OF THE SUMMARY REPORT AND DRAFT JOINT STATEMENT

14. The meeting adopted the summary report and the Joint Statement on Strengthening Regional Cooperation on Witness and Victims Protection.

AGENDA ITEM 6: CLOSING OF THE MEETING

15. The Meeting was closed by Mr. Abdul Haris Semendawai, Chairperson of the Indonesian Witness and Victims Protection Agency who commended the work of the meeting for achieving positive outcomes. Indonesia expressed its appreciation to all the delegates for the constructive dialogues and discussion that have borne fruitful outcomes and wished delegates a safe journey home.
16. The meeting was held in a spirit cordiality and partnership.