

**JOINT STATEMENT**  
**ON**  
**STRENGTHENING REGIONAL COOPERATION ON WITNESS AND VICTIMS PROTECTION**  
**KUTA, BALI, INDONESIA, 13 NOVEMBER 2013**

**We**, the Participants of the Inter-Regional Southeast Asia Nations Meeting: “Strengthening Regional Cooperation on the Protection of Witness of Crime” held in Kuta, Bali, Indonesia on 12 – 13 November 2013,

**Bearing in mind**, the Joint Statement on International Cooperation on Protection of Witnesses and Victims of Transnational Organized Crimes adopted by the International Conference on Protection of Witnesses and Victims of Transnational Organized Crimes held in Nusa Dua, Indonesia, on 11 – 13 June 2012,

**Recalling**, that the Participants of the International Conference on Protection of Witnesses and Victims of Transnational Organized Crimes underscored the need to establish a framework for regional cooperation and strengthen international cooperation on protection of witnesses and victims;

**Recalling further**, that the Participants of the International Conference on the Protection of Witnesses and Victims of Transnational Organized Crimes welcomed the initiative of Indonesia to follow-up the outcome of the Conference, through the establishment of regional and inter-regional networks for identifying possible areas of collaboration in promoting international cooperation on witnesses and victims protection,

**Recalling also**, that the United Nations Convention against Transnational Organized Crimes, articles 24 and 25, and the United Nations Convention against Corruption articles 32 and other relevant international instruments provide that State Parties to those instruments take appropriate measures to protect witnesses and to protect and assist victims from potential retaliation or intimidation,

**Reaffirming**, the commitment of the ASEAN Member States to the purposes and principles of the ASEAN Charter, in particular the respect for, promotion and protection of human rights as well as fundamental freedom, as stipulated in the ASEAN Declaration on Human Rights.

**Cognizant**, of the fact that people suffer harm as a result of crime, including transnational organized crime, and that the rights of these victims and witnesses have not been adequately recognized, and **aware**, that victims and witnesses and others who aid them are unjustly subjected to threats, harassment, loss, damage, injury, and that they may, in addition suffer hardship, when assisting in the prosecution of offenders,

**Recalling**, the United Nations General Assembly's resolution 40/34 of 29 November 1985 which adopted the "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" approved by the 7<sup>th</sup> United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and the United Nations Economic and Social Council resolution 1998/57 of 24 May 1989 entitled "Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power", which, among other things, recommended that at national, regional and international levels, take appropriate steps to develop international cooperation in criminal matters, such as ensuring that those who suffer victimization in another State receive effective help,

**State as follow:**

1. **Affirm** the necessity of revising and adopting national measures and mechanisms for the effective protection of witnesses from potential retaliation or intimidation for witnesses in criminal proceedings, and the protection and assistance of victims of crime, including transnational organized crime, in particular in cases of threat of retaliation or intimidation;
2. **Affirm also** the necessity to adopt measures to establish physical protection of witnesses, such as relocation of witnesses, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of witnesses, and provide evidentiary rules to permit witness testimony to be given in a manner that ensures the safety of the witnesses;
3. **Affirm further** the necessity to establish procedures to provide access to compensation and restitutions for victims of crimes, including transnational organized crimes, and enabling views and concerns of victims to be presented and considered at appropriate stages of the criminal proceedings;
4. **Affirm finally** the necessity to consider implementing measures to provide for the physical, medical, psychological and social recovery of victims and as appropriate, witnesses;
5. **Call upon** States participating in the Inter-Regional Southeast Asia Nations Meeting to enter into agreements or arrangements with each other or other States for the relocation of witnesses, subject to their respective domestic policies and legislation;
6. **Emphasize** the importance that special attention and treatment be provided for minor witnesses and victims and those of gender-based crime, including transnational organized crime due to the particular trauma and alienation that they may suffer;
7. **Emphasize also** the importance of taking appropriate steps to develop regional cooperation among States at the bilateral and regional level, such as ensuring that those who suffer victimization in another State receive effective protection and assistance;

8. **Emphasize further** the importance of international cooperation in advancing technical assistance including capacity building in protection and assistance of witnesses and victims;

9. **Acknowledge** that the participation of the civil society in supporting joint efforts in developing national measures and mechanisms for the protection and assistance of witnesses and victims of crimes, promotes synergies between civil societies and governmental agencies;

10. **Take note** of the Joint Statement on International Cooperation Protection of Witnesses and Victims of Transnational Organized Crime adopted by the International Conference on Protection of Witnesses and Victims of Transnational Organized Crimes held in Nusa Dua, Indonesia, on 11 – 13 June 2012, which among others underscored the need to establish a framework for regional cooperation and to strengthen international cooperation, and **endeavour** to implement its recommendations in creating regional programs, and develop a model law and best practices on the protection and assistance of witnesses and victims;

11. **Recommend** the establishment of a technical regional body or organization which would among other things:

- (a) draft the mandate for the body or organization,
- (b) strengthen networking among national agencies in the witness and victims protection by sharing and exchanging information and knowledge,
- (c) seek technical assistance and trainings for national agencies on the protection of witness and victims, and
- (d) develop regional and international cooperation;

12. **Invite** the Government of Indonesia to provide as appropriate the necessary Secretarial work for the technical “regional body”;

13. **Invite also** the Government of Indonesia, as the initiator of the Inter-Regional Southeast Asia Nations Meeting, to follow-up the outcomes of this Meeting, including the recommendations of the International Conference on Protection of Witnesses and Victims of Transnational Organized Crime, to the ASEAN Secretariat and relevant ASEAN bodies, as well as relevant international organizations, such as the United Nations Office on Drugs and Crime (UNODC), Interpol, and International Organization for Migration (IOM);

14. **Express gratitude** to the Government of the Republic of Indonesia, in particular the Indonesian Witness and Victims Protection Agency (LPSK) for hosting the Inter-Regional Southeast Asia Nations Meeting “Strengthening Regional Cooperation on the Protection of Witness of Crime”.