

Witness Protection Programs: A Comparative Analysis of Saudi Arabian and U.S. Legal Mechanisms

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Abstract

This study conducts a comparative analysis of the witness protection programs in Saudi Arabia and the United States, highlighting the distinct legal and operational frameworks that underpin each country's approach to witness security. Through a comprehensive legal review and comparative methodology, the research identifies key differences and similarities in the protection measures, including confidentiality and anonymity, integration and support systems, enforcement and compliance, international cooperation, and transparency and governance. The findings reveal that while the U.S. system exhibits robust mechanisms across these areas, supported by detailed legislation and extensive support for witnesses, the Saudi system, though comprehensive, emphasizes immediate safety measures with less focus on long-term witness integration and support. The study suggests actionable improvements for Saudi Arabia's witness protection laws, aiming to enhance both the structural integrity and operational effectiveness of its witness protection mechanisms. The recommendations propose enhancing confidentiality measures, strengthening support systems, and improving international cooperation and governance structures. These enhancements are intended to bolster the legal framework, increase the effectiveness of protection measures, and ensure better alignment with international standards, ultimately fostering greater security and trust within the judicial system. The conclusions drawn from this comparative analysis aim to contribute to the global discourse on witness protection, offering insights that could guide policy reforms and influence future legislative enhancements in the field of legal protection and witness security.

keywords: Witness Protection, Legal Frameworks, Confidentiality Measures, Saudi Arabia, United States

برامج حماية الشهود: تحليل مقارنة للنظام السعودي والأمريكي

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المستخلص:

تحرص العديد من دول العالم على إيجاد أنظمة لحماية الشهود الذين قد تتعرض سلامتهم للخطر بسبب مشاركتهم في إجراءات العدالة. ومن هذا المنطلق، صدر نظام حماية المبلغين والشهود والخبراء والضحايا في المملكة العربية السعودية في عام 2024. من خلال منهج تحليلي مقارنة، يقوم البحث بدراسة نظام حماية الشهود في كلا من المملكة العربية السعودية والولايات المتحدة الأمريكية، وتحديد تدابير الحماية في كلا من النظامين. كما يقوم البحث بتحليل عدد من العناصر الرئيسة في برامج حماية الشهود بما في ذلك السرية، وعدم الكشف عن الهوية، وأنظمة الدعم، والإنفاذ، والامتثال، والتعاون الدولي، والشفافية، والحوكمة. تكشف النتائج أن نظام الولايات المتحدة يتميز بتشريعات مفصلة ودعم واسع للشهود على المدى الطويل. في المقابل، فإن النظام السعودي، وعلى الرغم من شموليته، فإنه يفتقر إلى الوضوح الإجرائي ويرتكز على تدابير الأمان الفورية للشهود. يقترح البحث تحسينات عملية لقوانين حماية الشهود في المملكة العربية السعودية، بما في ذلك تعزيز تدابير السرية، وتقوية أنظمة الدعم، وتحسين التعاون الدولي، والحوكمة. تهدف هذه التحسينات إلى تعزيز الإطار القانوني، وزيادة فعالية تدابير الحماية، وضمان التوافق مع أفضل المعايير الدولية، مما يعزز في نهاية المطاف الأمان والثقة داخل النظام القضائي. تهدف الاستنتاجات المستخلصة من هذا التحليل المقارن إلى المساهمة في الحوار العالمي حول حماية الشهود، وتقديم رؤى يمكن أن تساهم في تحسين التشريعات المستقبلية في مجال الحماية القانونية للشهود.

الكلمات المفتاحية: حماية الشهود، الأطر القانونية، تدابير السرية، المملكة العربية السعودية، الولايات المتحدة.

Introduction

In our interconnected global landscape, the integrity of judicial systems and the safety of those who come forward as witnesses are crucial. (Demir, 2018). Witness protection programs are essential mechanisms designed to safeguard those who provide critical testimonies against threats and intimidation, ensuring justice is served (Karimova & Karimov, 2020). These programs protect individuals from potential harm and bolster the legal process by securing the reliability of witness testimonies (Qureshi, 2021). The effectiveness of such systems, however, varies significantly across different legal frameworks, influenced by cultural, legal, and operational factors that can affect their implementation and success (Demir, 2018). This study examines the comparative dynamics of witness protection in Saudi Arabia and the United States, highlighting their unique approaches to meeting the challenges posed by organized crime and other serious offenses.

Background

Witness protection programs serve as specialized security services for individuals whose safety or lives are at risk due to their involvement in criminal justice proceedings (Shrotriya & Pachauri, 2020). Primarily established to combat serious crimes, including organized crime, terrorism, and corruption, these programs play a critical role in maintaining the rule of law by ensuring that witnesses can testify without fear of retaliation (Karimova & Karimov, 2020). The general mechanisms of these programs typically include physical protection, relocation, identity change, and financial assistance to enable witnesses to start anew, free from the threats posed by those they have testified against (Demir, 2018). By removing barriers to testimony, witness protection strengthens the prosecutorial process, enhances the accuracy and availability of crucial evidence, and ultimately upholds the integrity and effectiveness of legal systems globally (Mutekanga Bakibinga, 2020). The significance of these programs cannot be overstated, as they not only protect individual witnesses but also preserve the public's trust in the justice system's ability to provide security and uphold justice (Mphaphuli & Botha, 2022).

Problem Statement

Although Saudi Arabia has established a formal witness protection framework, it exhibits significant gaps, particularly when compared to the comprehensive approach of the U.S. Witness Protection Program, particularly in legal frameworks for confidentiality and anonymity, operational mechanisms for witness support and integration, enforcement and compliance of protection measures, and protocols for international cooperation. These disparities highlight the necessity for a detailed comparative analysis aimed at bolstering the witness protection system in Saudi Arabia.

Purpose of the Study

This study aims to conduct a thorough comparative analysis between the witness protection laws of Saudi Arabia and the United States to identify these gaps and propose actionable improvements based on the effective practices observed in the U.S. system. The study intends to provide actionable recommendations based on proven practices from the U.S. system, focusing on enhancing confidentiality protocols, support mechanisms, enforcement structures, and international cooperation frameworks within Saudi Arabia's witness protection law. This research aims to develop a more robust and effective witness protection framework in Saudi Arabia, thereby enhancing security and integration outcomes for protected witnesses.

Research Questions

Building upon the identified gaps between Saudi Arabia's recent witness protection statutes and the more established U.S. Witness Security Program, this study poses several critical research questions to guide the comparative analysis:

- (1) **Confidentiality and Anonymity Measures:** How do the confidentiality and anonymity measures in Saudi witness protection law compare to those in the American Witness Protection Program in terms of comprehensiveness and effectiveness in shielding witness identities from public and governmental access?

- (2) **Integration and Support Systems:** What are the differences between Saudi and American laws regarding the support systems provided to witnesses, especially in terms of long-term integration and psychological assistance? How do these support systems impact the overall success of witness protection?
- (3) **Enforcement and Compliance:** How does the enforcement and compliance monitoring in the Saudi witness protection system compare with that of the American system? What mechanisms are in place in both countries to ensure adherence to the laws and what are the implications of these mechanisms on the efficacy of the programs?
- (4) **Reciprocal Protection and International Cooperation:** What mechanisms do Saudi and American witness protection laws utilize to address international cooperation and ensure reciprocal protection for witnesses in transnational cases?
- (5) **Transparency and Governance:** How do the governance structures and the transparency of operations within the Saudi witness protection program compare with those of the American program? How do these factors influence trust and effectiveness in each system?

These questions aim to dissect the core components of effective witness protection programs, focusing specifically on areas where the Saudi system can potentially be improved through lessons learned from the American experience. By addressing these questions, the study will contribute to the development of a more robust and effective witness protection framework in Saudi Arabia, thus enhancing the security and integration outcomes for protected witnesses.

Significance of the Study

The significance of this comparative analysis between Saudi Arabia's and the U.S.'s witness protection laws extends beyond academic inquiry, addressing critical operational and systemic discrepancies that influence the effectiveness of justice systems. This study aims to identify strengths and limitations within Saudi Arabia's framework, compare these with the U.S. model, and provide empirical insights that could inform targeted legislative and procedural enhancements. The research is expected to contribute significantly to the improvement of witness protection measures in Saudi Arabia, promoting better security, integration, and cooperation within and across borders. Ultimately, the findings of this study could lay the groundwork for reforms that ensure Saudi Arabia's witness protection programs meet international standards and effectively adapt to the region's unique cultural and legal contexts. This could significantly enhance the credibility and reliability of the legal system, thus strengthening public trust in judicial processes and increasing the willingness of witnesses to come forward and participate in legal proceedings.

Scope of the Study

This study is focused on a comparative analysis of the witness protection laws of Saudi Arabia and the United States, specifically examining the aspects of confidentiality, integration support systems, enforcement and compliance, and international cooperation. The research will explore the existing statutory frameworks, their implementation, and the operational effectiveness in both jurisdictions. While this analysis aims to provide a comprehensive overview of these critical areas, it does not extend to the evaluation of other aspects of criminal justice systems or detailed technological implementations within these programs. The scope is intentionally narrowed to enable a thorough, focused examination of how these distinct systems protect witnesses and how Saudi Arabia could enhance its practices based on the U.S. model. This delimitation ensures that the research remains manageable and precise, providing clear insights and actionable recommendations within these defined areas.

Paper's Structure

This paper is carefully structured to offer a detailed comparative analysis of witness protection programs in Saudi Arabia and the U.S. It opens with an Introduction that establishes the research objectives and frames the study within the context of global witness protection standards. The Literature Review follows, scrutinizing existing literature to identify gaps and set the theoretical foundation for the study. The Methodology section elaborates on the comparative legal analysis methods employed, detailing the

data collection and analytical techniques used. The core of the paper, the Analysis and Implications of Witness Protection Laws section, delves into the specifics of confidentiality measures, integration and support systems, enforcement and compliance, international cooperation, and transparency and governance, providing a critical examination of these components in both countries. Each aspect is critically analyzed to assess its effectiveness and draw parallels and distinctions between the two systems. The paper concludes with a robust Conclusion and Recommendations section, summarizing key findings and proposing actionable steps to enhance Saudi Arabia's witness protection mechanisms, inspired by successful practices from the U.S. This organization ensures a logical flow that systematically addresses the research questions while facilitating a thorough understanding of the intricacies of witness protection programs across diverse legal landscapes.

Literature Review

The purpose of this literature review is to critically evaluate and synthesize existing scholarly sources on witness protection systems, specifically focusing on the frameworks employed in Saudi Arabia and the United States. This review is fundamental to the study as it establishes a comprehensive background, sets the theoretical and contextual groundwork for the comparative analysis, and identifies existing gaps in the literature. By examining a broad range of relevant themes—including theoretical foundations, empirical research on system operations and effectiveness, and any comparative analyses between the two countries—the review delineates the scope and boundaries of the study. This structured examination ensures that the research contributions are grounded in, and advance, the established body of knowledge by providing an informed backdrop against which new data can be interpreted and understood, justifying the study's necessity within the broader field.

Having established the fundamental purposes and scope, this literature review now turns to the underlying theoretical frameworks supporting witness protection programs, focusing on their legal, security, and psychological aspects.

Theory and Context

Witness protection programs are underpinned by a variety of theoretical frameworks that intersect across legal, security, and psychological disciplines (Karimova and Karimov, 2020). Legally, these programs are often based on the premise of safeguarding the rights of individuals to security and privacy, as articulated in international human rights doctrines and national legal systems (Majeed et al., 2023). Security theories relevant to witness protection focus on risk assessment and management strategies, emphasizing the need to maintain the physical safety of witnesses and their families from retaliation or intimidation (Nyreröd et al., 2022). Psychologically, witness protection is studied through the lens of trauma, stress management, and the psychological impact of relocation and identity change on witnesses (Vallano & Compo, 2015). These theories collectively inform the design and operation of protection programs, aiming to balance the imperative of keeping witnesses safe with the need to uphold their rights and psychological well-being (Tohvelmann & Kask, 2022).

The application of these theories within the specific legal and judicial contexts of Saudi Arabia and the U.S. demonstrates significant cultural, legal, and operational differences that can affect the implementation and effectiveness of witness protection measures (Mphaphuli, L., & Botha, P., 2022). In the U.S., witness protection is well-established, supported by a robust legal framework that provides for the relocation and identity change of witnesses in major criminal cases, primarily those involving organized crime (Fyfe & Sheptycki, 2006). The U.S. program is operationalized with a high degree of coordination between various federal and state law enforcement agencies, reflecting a security-centric approach that integrates advanced technology and logistical support (Nyreröd et al., 2022).

In Saudi Arabia, the relatively recent witness protection framework is evolving within a legal culture that values privacy and utilizes centralized state mechanisms for security, as prescribed by specific laws derived from Islamic principles (Al-Anbari (2021). While these laws aim to integrate cultural norms and legal tenets, such as community and family integrity, they may present unique challenges in implementing certain aspects of witness protection, such as anonymization and relocation, which are more commonly practiced in Western contexts (Svintsytskyi, A., 2023). Additionally, the specifics of these

laws influence how protection measures are operationally implemented and publicly perceived (Karimova & Karimov, 2020).

This revision better reflects the structured approach of the Saudi legal system, emphasizing that while the system is informed by Islamic law, it operates within a well-defined legal framework established by specific legislation. This approach underscores that the challenges arise not from the principles themselves but from adapting certain witness protection practices within the context of Saudi legal and cultural norms.

With an understanding of the theoretical underpinnings, this section explores how these theories manifest in practical applications within the distinct contexts of Saudi Arabia and the U.S., as evidenced by previous empirical studies.

Previous Studies

Research on witness protection programs has yielded a variety of important themes, including their effectiveness, methodologies for securing witness safety, and the use of technological tools for enhancing anonymity and relocation. Studies frequently examine the extent to which these programs protect witnesses from threats and foster their cooperation with judicial processes.

Studies on Saudi Arabia's System

In Saudi Arabia, the examination of witness protection is crucial to understand its integration into the Sharia-based legal framework, an area that has not been extensively explored. (Almashouh, 2005) and (Al-Sunaidi, 2004) have contributed significantly to this field. Almashouh discusses the rights and responsibilities of witnesses in Islamic law, focusing on the procedural guarantees provided within the Saudi legal system to protect witnesses. Al-Sunaidi examines the procedures for witness testimony in criminal proceedings, comparing these to Islamic principles and highlighting the balance between protecting witnesses and ensuring justice.

Studies on the U.S. System

Meanwhile, the U.S. Witness Security Program (WITSEC) has been extensively documented. (Karimova and Karimov, 2020) analyze the program's legal and operational strategies, highlighting its success in securing high conviction rates in cases involving organized crime. (Demir, 2018) explores the psychological challenges faced by witnesses in WITSEC, emphasizing the need for support systems to help witnesses adapt to new identities and life circumstances.

These studies provide a comprehensive view of how witness protection programs function within the differing legal and cultural contexts of Saudi Arabia and the U.S., illustrating both the challenges and successes of these systems. These comparative insights into the functioning of witness protection programs across Saudi Arabia and the U.S. highlight both challenges and successes, setting the stage for addressing identified gaps in the literature as discussed in the following conclusion.

Conclusion of Literature Review

This literature review identifies critical gaps, including a scarcity of comparative studies between Saudi Arabia and the U.S., underexplored areas such as the psychological impacts on protected witnesses, and the need for more research on how technology can enhance witness security. Addressing these gaps, this review proposes new frameworks to analyze and understand the effectiveness and challenges of witness protection systems within these diverse legal and cultural contexts. These frameworks will direct the methodology of the upcoming research, aiming to bridge these empirical gaps and provide fresh insights into the field of witness protection. The gaps identified through our comprehensive literature review inform the methodological approach of this study, which is detailed in the next section. This approach employs a focused comparative legal analysis, drawing from the broad thematic insights previously discussed.

Methodology

This study employs a focused comparative legal analysis to examine the witness protection laws in Saudi Arabia and the United States. This methodological choice is informed by the established and

extensive framework of the U.S. Witness Security Program (WITSEC), which provides a robust point of comparison against Saudi Arabia's relatively newer legal framework that incorporates Islamic legal principles.

Elements for Comparison

- (1) **Confidentiality and Anonymity Measures:** Focused on the specific legal frameworks governing confidentiality and anonymity, detailing the protection of witness identities and how these protections are implemented in both Saudi Arabia and the U.S.
- (2) **Integration and Support Systems:** Concentrate on the operational mechanisms relating to the support systems provided for the long-term integration of witnesses and the effectiveness of these systems.
- (3) **Enforcement and Compliance:** Examined the enforcement mechanisms and how each country ensures compliance with witness protection laws, assessing the robustness and effectiveness of these mechanisms.
- (4) **International Cooperation:** Explored the extent and efficacy of international cooperation under witness protection laws, assessing how Saudi Arabia and the U.S. manage cross-border witness protection cases.

Research Methods

This method will directly compare the legal texts of both countries to identify differences and similarities in the legal provisions, focusing on their impact on the effectiveness and fairness of witness protection. The comparative analysis will help understand how each legal framework accommodates the needs of protected witnesses while addressing cultural and operational challenges.

Rationale for Methodology

Comparative analysis is particularly suited to this study as it allows for a detailed examination of how different legal systems respond to similar challenges in witness protection. By aligning the legal provisions from Saudi Arabia and the United States side by side, the research can effectively highlight the strengths and weaknesses of each approach. This methodology is consistent with comparative legal research practices, which prioritize systematic examination of legal norms and their practical implications in different legal and cultural settings. This method will yield insights into best practices and potential reforms, thereby deepening our understanding of witness protection across various legal and cultural landscapes.

Analysis and Implications of Witness Protection Laws

Confidentiality and Anonymity Measures

Description of Findings

Confidentiality and anonymity are critical components of witness protection programs, designed to safeguard the identity and location of individuals who provide crucial testimony in criminal cases. The (Saudi Witness Protection Law, 2024) provides for the non-disclosure of the identities of witnesses and experts during their involvement with the criminal justice system. Article 2(1) specifically mandates that investigative and enforcement agencies must, when necessary or upon request, conceal the identity and address of informants, witnesses, and experts in all communications, records, and documents to prevent identification.

In contrast, the U.S. Witness Protection Program, authorized under (18 U.S.C. § 3521), takes a broader approach by not only concealing identities but also facilitating the physical relocation of witnesses and their families if needed. The program ensures comprehensive measures including name changes, employment assistance, and financial support to secure the safety and adaptation of protected individuals to their new lives.

Comparison

The U.S. system exhibits strength in its comprehensive support mechanisms that extend beyond

mere anonymity, helping witnesses reintegrate into society with new identities and livelihoods. This is particularly supported by subsections providing for psychological well-being and social adjustment, recognizing the broader impacts of witness involvement in criminal trials. On the other hand, the Saudi model focuses primarily on the immediate concealment of identity with less emphasis on long-term reintegration support. While this approach is effective in short-term protection, it might not address the prolonged risks and challenges faced by witnesses after the conclusion of a trial.

Both systems share a common goal of protecting witnesses, but the U.S. framework's comprehensive provisions under (18 U.S.C. § 3521) of the U.S. Code offer a more robust support system that not only protects but also assists witnesses in rebuilding their lives, which could be seen as a model for enhancing procedural details in Saudi law to increase the effectiveness and trust in the witness protection regime.

Integration and Support Systems

Description of Findings

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Comparison

In the context of witness protection, the integration and support systems are fundamental for the long-term well-being and social reintegration of witnesses post-trial. The U.S. system is distinguished by its comprehensive provision of psychological support, job training, and financial assistance through the Witness Security Program (WITSEC), which not only ensures the safety of witnesses but also aids in their long-term adjustment and integration into new communities. This extensive support system is detailed in the U.S. Code, Title 18 § 3521, which outlines measures including housing, employment assistance, and social services to facilitate the adaptation of witnesses to their new lives.

Contrastingly, Saudi Arabia's approach, while providing foundational support for witness protection, is less detailed in public documentation regarding the integration and support offered to witnesses, primarily focusing on immediate protection measures. The (Saudi Witness Protection Law, 2024), emphasizes confidentiality and security but lacks explicit provisions for psychological support or job training, reflecting a more nascent stage in the development of comprehensive witness support systems compared to the U.S. This discrepancy not only impacts the effectiveness of the witness protection program but also the well-being and societal integration of the witnesses involved.

Thus, while both countries recognize the importance of witness protection, there are significant differences in the scope and depth of support mechanisms provided. Enhancements in Saudi Arabia's system could be inspired by the U.S. model, focusing on the long-term stability and integration of witnesses, which is crucial for their overall well-being and the success of the witness protection program.

Enforcement and Compliance

Description of Findings

The enforcement and compliance mechanisms within witness protection programs are crucial for maintaining the integrity and effectiveness of these systems. In the U.S., Title 18, Section 3521 of the U.S. Code outlines detailed procedures for the implementation of witness security measures, including the relocation and protection of witnesses facing significant risk due to their cooperation with federal authorities (U.S. Code Title 18 § 3521). The law mandates comprehensive protection covering physical, psychological, and financial aspects to ensure the safety and adjustment of the witnesses and their families.

In contrast, the (Saudi Witness Protection Law, 2024) focuses more broadly on immediate safety and legal measures without explicitly outlining the detailed procedural mechanisms found in the U.S. law. Key articles such as Article 5 grant the program administration the authority to determine the eligibility and type of protection witnesses receive, but lack the detailed procedural descriptions present in U.S. legislation (Saudi Witness Protection Law, 2024).

Comparison

The enforcement and compliance with witness protection protocols differ markedly between Saudi Arabia and the United States, reflecting distinct legal cultures and systemic emphases. In the U.S., Title 18, Section 3521 of the U.S. Code outlines a robust framework for the Witness Security Program, mandating meticulous procedures for the physical, psychological, and financial security of witnesses. This comprehensive approach ensures rigorous enforcement and strict compliance, supported by a well-established legal infrastructure (U.S. Code Title 18 § 3521).

Conversely, Saudi Arabia's Witness Protection Law, while establishing a foundational framework, lacks the same depth in specifying enforcement mechanisms. The law provides the Attorney General with broad powers to implement protection but does not detail the procedural nuances found in U.S. legislation, which could lead to inconsistencies in application and challenges in ensuring compliance (Saudi Witness Protection Law, 2024).

Both systems aim to maintain the integrity and efficacy of their witness protection programs, yet the U.S. model shows a higher degree of procedural detail that facilitates consistent enforcement across cases. For Saudi Arabia, adopting a more detailed procedural approach could enhance the effectiveness of its witness protection measures, promoting greater compliance and aligning with international best practices.

International Cooperation*Description of Findings*

A notable aspect under the (Saudi Witness Protection Law, 2024) is the authority vested in the Attorney General to interact with foreign entities. According to Article Six, the Attorney General can approve protection requests from competent foreign authorities for any whistleblower, witness, expert, or victim within the Kingdom, based on reciprocal agreements (Saudi Witness Protection Law, 2024). This extends the scope of the law beyond national boundaries, ensuring an international cooperative framework.

In contrast, the United States has established robust mechanisms under Title 18, Section 3521 of the U.S. Code, which provides for the issuance of various orders to assist foreign authorities in matters related to criminal offenses. This includes issuing search warrants, surveillance orders, and orders for testimony or document production, which can be utilized to support international legal cooperation (U.S. Code Title 18 § 3521).

Comparison

The effectiveness of international cooperation in witness protection significantly influences the security and management of cross-border criminal justice challenges. Both Saudi Arabia and the United States have frameworks that enable international cooperation, though they operate differently. The Saudi Witness Protection Law allows the Attorney General to approve international protection requests based on reciprocal agreements (Saudi Witness Protection Law, 2024). This emphasizes the reliance on formal

agreements and diplomatic channels to facilitate protection measures across borders. Conversely, the U.S. system, codified in Title 18, Section 3521 of the U.S. Code, provides a more detailed procedural approach, allowing for various forms of judicial and administrative cooperation with international bodies, enhancing the flexibility and responsiveness of the U.S. to international witness protection needs (U.S. Code Title 18 § 3521). Enhancing these frameworks could involve streamlining procedures for rapid response and establishing more direct communication channels between nations, improving both the efficacy and speed of international witness protection efforts.

Transparency and Governance in Witness Protection Programs

Description of Findings

The (Saudi Witness Protection Law, 2024) provides a structured legal framework to protect witnesses, focusing on maintaining their confidentiality and ensuring their safety. However, the law is relatively less explicit about the mechanisms for overseeing and auditing the execution of these protections, which might impact transparency and accountability within the system. The (U.S. Code Title 18 § 3521) establishes comprehensive governance protocols for witness protection. It not only provides detailed provisions regarding the relocation, security, and new identity processes but also emphasizes the oversight responsibilities of the Attorney General. This includes regular assessments and reporting, ensuring a high level of transparency and governance in the program's administration.

Comparison

In the realm of witness protection, the transparency of program operations critically influences public trust and the perceived effectiveness of such programs. In the U.S., the Witness Security Program, underpinned by Title 18, Section 3521 of the U.S. Code, mandates detailed operational transparency and rigorous oversight mechanisms which include regular audits and comprehensive reports to Congress, fostering a high level of public trust and program credibility (U.S. Code Title 18 § 3521). Conversely, the (Saudi Witness Protection Law, 2024) although providing a basic framework for the protection of witnesses, lacks explicit provisions for ongoing oversight and public reporting, which could lead to perceptions of opaqueness and reduced public trust in the system's effectiveness. This disparity underscores the urgent need for Saudi Arabia to improve governance structures within its witness protection framework, aiming for greater accountability and transparency akin to U.S. practices. Implementing such measures could improve both the functionality and the public perception of the Saudi witness protection program, aligning it more closely with international standards and enhancing its overall credibility.

Recommendations

This section distills the insights gained from the comparative legal analysis between the Saudi Arabian and U.S. witness protection programs, translating them into a series of targeted recommendations. These recommendations aim to address the disparities and draw on best practices to bolster the structural integrity, operational effectiveness, and public trust in witness protection mechanisms within both jurisdictions. Through these strategic suggestions, this study endeavors to guide legislative and operational enhancements, ensuring that witness protection systems are robust, responsive, and aligned with contemporary security needs and justice system goals.

- (1) **Enhanced International Cooperation:** Strengthen international collaborations to facilitate smoother operations across borders. This includes sharing best practices, streamlining extradition processes, and establishing standardized procedures for emergency relocations. These enhancements should consider cultural and legal differences to ensure effective protection measures that respect the jurisdictional boundaries and legal frameworks of involved countries.
- (6) **Robust Transparency and Governance:** Implement transparent processes that maintain the confidentiality necessary for the safety of the protected but also allow for accountability. Develop clear governance structures that define roles and responsibilities of various stakeholders within the witness protection program to ensure effective oversight and management.
- (7) **Comprehensive Support Systems:** Build comprehensive support systems that address the psychological, economic, and social needs of individuals under protection. This includes access to mental health services, job training programs, and integration measures that help witnesses

rebuild their lives with dignity while ensuring their safety.

- (8) **Legislative and Policy Enhancements:** Advocate for legislative updates that reflect the current challenges and technological advancements affecting witness security. This involves revising existing laws and policies to cover digital threats and ensuring robust data protection measures are in place.
- (9) **Regular Program Evaluation:** Establish mechanisms for the regular evaluation of witness protection programs to assess their effectiveness and adaptability to changing threats. Use these evaluations to inform continuous improvements in program operations and policy formulations.

These recommendations aim to fortify the integrity and efficacy of witness protection measures, ultimately enhancing the trust and safety of participants within the legal systems of Saudi Arabia and the United States. Implementing these recommendations will require a coordinated approach among various law enforcement agencies, legislative bodies, and international partners.

Conclusion

The comparative analysis conducted between the witness protection systems of Saudi Arabia and the United States has yielded critical insights into the operational mechanisms, legal frameworks, and efficacy of such programs in both jurisdictions. The study highlighted distinct disparities and notable similarities that fundamentally impact the success and reliability of witness protection. Notably, the U.S. system demonstrates robust confidentiality measures, extensive integration and support mechanisms, and a comprehensive approach to international cooperation and governance. Conversely, while Saudi Arabia has established a foundational legal structure for witness protection, it lacks the detailed procedural mechanisms and support systems found in the U.S., particularly in areas such as psychological support, transparency, and the integration of witnesses into society post-trial.

These findings not only reflect on the operational effectiveness of each system but also reveal broader implications for the legal and security frameworks in both countries. For Saudi Arabia, adopting more detailed procedural descriptions, as seen in the U.S., could enhance compliance and enforcement consistency. Furthermore, enhancing support systems to include psychological assistance and job training could significantly improve the long-term well-being and integration of witnesses. The U.S., while advanced in many aspects, could still benefit from revising its approach to international cooperation, potentially adopting more flexible and culturally sensitive strategies that consider the legal nuances of partner countries like Saudi Arabia.

The practical implications of these findings are significant for policymakers and practitioners involved in the design and implementation of witness protection programs. There is a clear need for legislative updates and policy reforms that incorporate advanced technology for protecting witness identities and that ensure a holistic approach to witness security, one that encompasses not just immediate physical safety but also long-term psychological and social stability. Moreover, the study underscores the importance of transparency and governance in maintaining the credibility and trustworthiness of witness protection programs.

For future research, several areas warrant further exploration. A deeper dive into the psychological impacts of witness protection on individuals and their families could yield valuable data to inform more compassionate and effective support strategies. Additionally, examining the use of technology in safeguarding witness identities and testimonies could address emerging challenges in the digital age. Finally, as this study elucidates the significant role of cultural and legal contexts in shaping witness protection mechanisms, comparative research involving other countries could broaden the understanding of global best practices and diverse operational challenges.

In conclusion, enhancing witness protection frameworks is crucial not only for the safety of individuals but also for the broader goals of justice and public safety in both Saudi Arabia and the U.S. The effectiveness of these programs is intrinsically linked to their ability to adapt to changing legal and cultural landscapes, underscoring the importance of continuous evaluation, learning, and adaptation. By embracing both the strengths and addressing the weaknesses revealed in this comparative analysis, witness protection programs can better fulfill their mission to protect those who courageously come forward to uphold justice.

References

- Al-Anbari (2021). Non-Muslims competence in giving testimony; A study between Islamic jurisprudence and the Saudi Civil Procedural Law. *Journal of the Faculty of Sharia and Law in Tafhana Al-Ashraf - Dakahlia*. <https://doi.org/10.21608/jfslt.2021.179482>.
- Almashouh, H. B. M., & Al-Otaibi, S. B. M. M. (2005). Rights of the witness and duties: A comparative study [Master's thesis, Imam Mohammad Ibn Saud Islamic University]. Mandumah. <http://search.mandumah.com/Record/529338>
- Al-Sunaidi, M. B. M., & Al-Rumaiyan, F. B. R. (2004). Procedures of proof by testimony in the criminal procedure system: A comparative study [Master's thesis, Imam Mohammad Ibn Saud Islamic University]. Mandumah. <http://search.mandumah.com/Record/529231>
- Bakibinga, D. (2020). Witness protection in the criminal justice system of the Baham. *Revista Acadêmica Escola Superior do Ministério Público do Ceará*. <https://doi.org/10.54275/raesmpce.v12i1.23>.
- Demir, H. (2018). Protecting the protectors: Challenges and solutions in the U.S. Witness Security Program. *Security Journal*.
- Fyfe, N., & Sheptycki, J. (2006). International Trends in the Facilitation of Witness Co-operation in Organized Crime Cases. *European Journal of Criminology*, 3, 319 - 355. <https://doi.org/10.1177/1477370806065585>.
- Karimova, G., & Karimov, E. (2020). U.S. Witness Security Program: An analysis of its legal and operational aspects. *Journal of Criminal Justice and Security*.
- Majeed, N., Mukhtar, M., & Ehsan, M. (2023). THEORETICAL AND CONCEPTUAL FRAMEWORKS IN SOCIAL SCIENCES AND LAW: MEANING, FUNCTIONS AND DIFFERENCES. *Pakistan Journal of Social Research*. <https://doi.org/10.52567/pjsr.v5i01.1034>.
- Mphaphuli, L., & Botha, P. (2022). Witness Protection Programmes: The Role of Social Workers in Helping State Witnesses to Deal with Challenges. *Southern African Journal of Social Work and Social Development*. <https://doi.org/10.25159/2708-9355/9493>.
- Nyreröd, T., Andreadakis, S., & Spagnolo, G. (2022). Money laundering and sanctions enforcement: Large rewards, leniency and witness protection for whistleblowers. *Journal of Money Laundering Control*. <https://doi.org/10.1108/JMLC-05-2022-0068>
- Qureshi, D. (2021). Witness Protection: An Imperative for Criminal Justice. *Journal of Victimology and Victim Justice*, 4, 197 - 208. <https://doi.org/10.1177/25166069211069698>.
- Saudi Arabia Royal Decree M/148. (2024, February 18). System for the protection of informants, witnesses, experts, and victims.
- Shrotriya, E., & Pachauri, S. (2020). A Proposal for a Model Witness Protection Programme: Need and Legal Ramification. <https://doi.org/10.2139/ssrn.3708214>.
- Svintsytskyi, A. (2023). EUROPEAN STANDARDS OF THE INSTITUTE OF SAFETY OF PARTICIPANTS IN CRIMINAL PROCEEDINGS. *New Ukrainian Law*. <https://doi.org/10.51989/nul.2022.6.2.23>.
- Tohvelmann, M., & Kask, K. (2022). From Child to Adult Victims and Witnesses: Ways of Improving the Quality of Investigative Interviews. *Juridica International*. <https://doi.org/10.12697/ji.2022.31.10>.
- United States. (2010). 18 U.S.C. § 3521 - Witness relocation and protection.
- Vallano, J., & Compo, N. (2015). Rapport-building with cooperative witnesses and criminal suspects: A theoretical and empirical review. *Psychology, Public Policy and Law*, 21, 85-99. <https://doi.org/10.1037/LAW0000035>.

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