



Refugee Documentation Centre (Ireland)  
LEGAL AID BOARD

## South Africa - Researched and compiled by the Refugee Documentation Centre of Ireland on Wednesday 31 August & Thursday 1 September 2016

### Information on the Witness Protection Scheme including: Funding; Usage including 2015 & Crimes used for

A report issued in March 2016 by *Redress* points out that:

“The South African Witness Protection Act 112 of 1998 provides for the protection of witnesses in the criminal justice system, yet it does not contain any specific provision applicable to victims of torture and other ill-treatment...In addition to its witness protection legislation, the South African Police Service has developed a National Instruction 2/2012 on Victim Empowerment, which outlines the Police Service’s obligations in relation to victims...” (Redress (March 2016) *Legal Frameworks to Prevent Torture In Africa: Best Practices, Shortcomings and Options Going Forward*, p.43).

In January 2016 the *Government of South Africa* points out that:

“The Office for Witness Protection safeguards threatened or intimidated witnesses” (Government of South Africa (28 January 2016) *Consideration of reports submitted by States parties under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Reports of States parties due in 2005: South Africa*, p.16).

In June 2015 an article issued by *Cape Argus* states:

“The Office for Witness Protection (OWP) is established under the Witness Protection Act and provides a support service to the criminal justice system, offering temporary protection, support and related services to vulnerable and intimidated witnesses and their family members, thereby enabling such witnesses to testify without intimidation, fear or danger. The OWP is an independent, covert office and all its functions are classified secret so as to ensure the integrity of the programme and the safety of witnesses and their family members, who must also voluntarily agree to be admitted” (Cape Argus (4 June 2015) *Truth about SA’s witness protection*).

The *Government of South Africa* in November 1998 in establishing the Witness Protection Act includes stating:

“To provide for the establishment of an Office for the protection of witnesses...” (Government of South Africa (November 1998) *Witness Protection Act 112 of 1998*, p.1).

In May 2015 the *Cape Argus* states that:

“...about 300 people across the country are protected in the witness protection programme each year...” (Cape Argus (18 May 2015) *Protecting witnesses is key in curbing 'serious' crime; Gangsters are getting away with murder due to a lack of evidence*).

A document issued in April 2015 by *Factiva* concerning South Africa states

“In 2014 we had 322 witnesses on the Witness Protection Programme and...[on] average, 300 people are protected in the programme each year” (Factiva (17 April 2015) *Deputy Minister John Jeffery: 13th UN Congress on Crime Prevention and Criminal Justice*).

The *National Prosecuting Authority* in the annual report for 2014/2015 issued in May 2015 notes that:

“The Office for Witness Protection (OWP) is established in terms of this Act and provides a support service for the criminal justice system and judicial proceedings, providing protection, support and related services to vulnerable and intimidated witnesses and related persons enabling such witnesses to testify without intimidation, fear or danger. The OWP is established in the DoJ&CD with the Director-General as the accounting officer, but is administered by the NPA” (National Prosecuting Authority (29 May 2015) *Annual Report 2014/2015*, p.17).

Financial issues are on pages 28 and 29 (*ibid*, pp.28-29).

This report also states that:

“178 witnesses and 156 related persons joined the programme during 2014/15. The total number of witnesses and related persons managed during the period in witness protection, including the 146 witnesses and 159 related persons carried over from 2013/14, was 639” (*ibid*, p.112).

The *National Prosecuting Authority* in the annual report for 2013/2014 issued in May 2014 states that

“160 witnesses and 163 related persons joined the programme during 2013/14. The total number of witnesses and related persons managed, including the 162 witnesses and 176 related persons that were carried over from 2012/13 during the period in witness protection programme was 661” (National Prosecuting Authority (May 2014) *Annual Report 2013/2014* p, 91).

Pages 107, 166 of this report mentions funding issues concerning the Office for Witness Protection (*ibid*, p.107).

The website of the National Prosecuting Authority (<http://www.npa.gov.za/>) worked sporadically at the time of this research.

In July 2016 the *Pretoria News* notes that:

“The wife of Pakistani shop owner Usman (Sunny) Saeed, who was abducted in the parking area of Montana Traders, later shot in the head and dumped along a road near Cullinan, yesterday burst into tears of relief after her husband's two killers were convicted of murder...A man who was under witness protection and the State's star witness, earlier testified that he witnessed three Pakistani nationals carrying a body wrapped in blankets and black plastic bags down some stairs at the Crazy Store. The witness, only identified during the trial as Mr J, said he watched at one stage as the men dropped the body” (Pretoria News (29 July 2016) *Widow's relief as killers are convicted*).

A report issued in June 2012 by the *United States Department of State* notes that:

“During the reporting period, the government provided witness protection to an unknown number of trafficking victims” (United States Department of State (19 June 2012) *Trafficking in Persons Report 2012: South Africa*).

No further information on any of these issues could be found among sources available to the RDC.

## References

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

### **Sources Consulted**

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