

**EXPERIENCES AND CHALLENGES OF WITNESSES IN THE WITNESS  
PROTECTION PROGRAMME IN SOUTH AFRICA: GUIDELINES FOR  
COORDINATED SERVICE DELIVERY DEVELOPED FROM A SOCIAL WORK  
PERSPECTIVE**

by

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# DECLARATION

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## **EXPERIENCES AND CHALLENGES OF WITNESSES IN THE WITNESS PROTECTION PROGRAMME IN SOUTH AFRICA: GUIDELINES FOR COORDINATED SERVICE DELIVERY DEVELOPED FROM A SOCIAL WORK PERSPECTIVE**

I declare that the above thesis is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

I further declare that I submitted the thesis to originality checking software and that it falls within the accepted requirements for originality.

I further declare that I have not previously submitted this work, or part of it, for examination at Unisa for another qualification or at any other higher education institution.



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SIGNATURE

NOVEMBER 2020  
DATE

## DEDICATION

This thesis is dedicated to my two daughters, Tebogo Mphaphuli and Lufuno Mphaphuli, for being supportive throughout this project, even when it seemed impossible to complete. It is also dedicated to my parents: my mother Maria Kganyago and my late father Moses Kganyago who taught me the importance of education.

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## ABSTRACT

Modern society is increasingly threatened by organised crime. Crime undermines democracy and causes harm to the general functioning of a country and the quality of life of its citizens. A lack of protection measures for witnesses of crime renders the criminal justice system weak and ineffective in its quest to fight crime.

Witness protection programmes and the testimony of a witness play a pivotal role in the fight against organised crime, without which securing successful prosecutions becomes a daunting task. Despite the important role of witnesses in the criminal justice system, there seems to be a dearth of literature focusing on the experiences of witnesses within the South African context.

The researcher was able to gain an in-depth understanding of the experiences, challenges, and coping strategies of witnesses by employing an instrumental case study design within the framework of exploratory, descriptive, and contextual research from the vantage point of witnesses and staff members in the witness protection programme in South Africa. A total number of 30 participants were recruited by means of purposive sampling. Data was collected through individual, face-to-face interviews undertaken in six provinces. Analysis of the data was conducted in line with the eight steps of data analysis proposed by Tesch (in Creswell 2009:186) and Guba's principles of trustworthiness were employed in the verification of the data. The ethical principles of informed consent, confidentiality, anonymity, beneficence, data management, and debriefing were observed. This study drew from Caplan's (1964) crisis theory and the coping theory by Lazarus (1993).

The findings of this study revealed that there is a general lack of awareness among the communities and members of the criminal justice system about the existence of the witness protection programme in South Africa. Witnesses also expressed that they found it difficult to cope and adjust in the programme, because of challenges such as social uprooting and isolation. While some witnesses were able to adjust, some resorted to exiting the programme prematurely. Suggestions by participants towards the support of witnesses paved a foundation for the development of

guidelines for coordinated service delivery in the South African Witness Protection Programme.

### **KEY TERMS**

Challenges; experiences; guidelines; social work; social worker; service delivery; perspectives; policy; protector; witness; witness protection programme.

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Addendum: G: Debriefing letter

Addendum H: Editors' letters

## LIST OF ACRONYMS

CDPC	Committee on Crime Problems of the Council of Europe
DPP	Director of Public Prosecutions
DRC	Democratic Republic of Congo
DREC	Departmental Research and Ethics Committee
DSD	Department of Social Development
EUROPOL	European Police Office
ICC	International Criminal Court
ICTR	International Criminal Tribunal of Rwanda
INTERPOL	International Criminal Police Organisation
IO	Investigating Officer
KZN	KwaZulu-Natal
MISS	Minimum Information Security Standards
NGO	Non-Governmental Organisation
NICRO	National Institute for Crime Prevention and Registration of Offenders
NPA	National Prosecuting Authority
OWP	Office for Witness Protection
PAGAD	People Against Gangsterism and Drugs
SACSSP	South African Council for Social Services Professions
SAPS	South African Police Service
SCSL	Special Court of Sierra Leone
SETA	Sector Education and Training Authority
SOCA	Sexual Offences and Community Affairs
STATS SA	Statistics South Africa
UK	United Kingdom
UN	United Nations
UNISA	University of South Africa
UNODC	United Nations Office on Drugs and Crime
USA	United States of America
VAT	Value Added Tax
WITSEC	Witness Security Programme
WPU	Witness Protection Unit

# CHAPTER ONE: GENERAL INTRODUCTION AND ORIENTATION TO THE STUDY

## 1.1 INTRODUCTION, PROBLEM FORMULATION AND RATIONALE OF THE STUDY

The general introduction and orientation to the study is the first chapter of this research report and it is dedicated to providing a background to the topic of this study as well as the motivation for embarking on it. Furthermore, the research problem that led to the identification of the research questions, goals and objectives of the study are discussed. In addition, the theoretical framework and the research approach adopted for this study are introduced and described. Lastly, the significant concepts of this study are listed and clarified.

### 1.1.1 Introduction to the study

A witness protection programme, as defined by the United Nations Office on Drugs and Crime (UNODC:2008:5), is “a formally established covert programme subject to strict admission criteria that provides for the relocation and change of identity of witnesses whose lives are threatened by criminals because of their co-operation with law enforcement”. It is a set of protective measures between a witness and authorities with an agreement that details the conditions of the protection (Council of Europe 2006:30). According to Mahony (2010:2), witness protection programmes are regulated by legislation, aimed at the protection of witnesses and victims of crime in cases of serious intimidation which cannot be addressed by other protective measures. Witnesses are admitted to a witness protection programme in instances where their testimonies are of special significance in court proceedings. Witness protection can thus be defined as a covert programme established in terms of the law of the country, intended to combat crime by providing protection to intimidated and threatened witnesses who choose to co-operate with law enforcement agencies and give testimony in a court of law or judicial proceedings to the benefit of the state.

Protection of witnesses entails the removal of a witness from their homes into a programme where they are protected in safe houses (Appleyard 2011:87; Bhushan & Pranati 2007:14; Fyfe & McKay 2000:287; Stepakoff, Henry, Barrie & Kamara 2017:272; Vasile 2015:187). The duration of protection depends on the processes of investigation and prosecution (Council of Europe 1999:22), meaning it cannot be determined at the time of a witness's admission into the programme. A witness could be in the programme for a few months or a number of years, resulting in a witness being away from family for a long time (Dandurand & Farr 2010:45). Witnesses play an important role in the criminal justice system by enabling the prosecution team to prove a case through the provision of testimony in court without which perpetrators are likely to escape justice (Appleyard 2011:50; Council of Europe 1999:6; Eikel 2012:100; Nowroz 2015:311; Rujan 2014:8; UNODC 2008:19). There are various categories of witnesses, from an innocent bystander to a person who is implicated in the commission of crime (UNODC 2008:19).

The origin of witness protection can be traced to the United States of America (USA) during the 1960s through its initiatives to combat organised crime (Bakowski 2013:7). Since then many countries across the world have established protection programmes while some are still in the process of drafting and enacting legislation. Witness protection is administered differently from one country to another with the ultimate goal of protecting vulnerable witnesses (UNODC 2008:4). Witness protection programmes can be administered by the police department, the prosecuting authority or a combination of different government agencies (Beune & Giebels 2013:10; Dandurand & Farr 2010:40).

The absence of witness protection often causes witnesses to be reluctant to testify in courts owing to intimidation and threats on their lives by the perpetrators of crime (Kiprono, Mwangi & Ngetich 2015:50). Intimidation ranges from verbal threats, assault, damage to property, murder and other tactics used by perpetrators to silence the witness (Kayuni & Jamu 2015:428; Vincent 2016:54).

The protection of vulnerable witnesses is recognised by legislation and organisations globally such as the following (Kariri & Salifu 2016:4):

- United Nations Organisation on the Office of Drugs and Crime (2008)

- United Nations Convention Against Transitional Organised Crime and the Good Practices for the Protection of Witnesses in the Criminal Proceedings (2004)
- United Nations Against Transitional Organised Crime (2003)
- United Nations Convention Against Corruption (2003)
- Council of Europe Criminal Law Convention on Corruption (1999)
- The Rome Statute of the International Criminal Court (1998)
- Council of Europe on the Position of the Victim in the Framework of Criminal Law and Procedure (1985)
- European Convention on Mutual Assistance in Criminal Matters (1959)

The UNODC (2008:iii) makes provision for its member states to embark on the protection of intimidated witnesses through the establishment of witness protection programmes. This includes countries contracting with one another regarding the protection and relocation of witnesses. International platforms such as the European Police Office (EUROPOL) and International Criminal Police Organisation (INTERPOL) enable the heads of witness protection programmes in various countries to collaborate and share best practices (Bakowski 2013:4).

It is costly to establish a witness protection programme. Smaller countries with limited resources are not always able to afford to establish and maintain successful witness protection programmes (Council of Europe 1999:13; Mack 2014:212). As a result, admission to the programme is often reserved for serious and violent crimes (UNODC 2008:29). Each country determines criteria for admission into the programme. According to Fyfe and McKay (2000:287), most of the cost in the protection of witnesses goes to the relocation and support services that are provided to witnesses in the programme. In instances where admission to a formal protection programme is not possible for one reason or another, witnesses are offered other means of protection by police officers (Council of Europe 2006:28; Dandurand & Farr 2010:12; UNOCD 2008:29).

According to Mahony (2010:11), witness protection is new in Africa with many countries' investigative and judicial systems considered not being conducive and

supportive of witness protection initiatives. Similarly, Njeri (2016:2) postulates that witness protection in Africa is a missing link in the criminal justice system with only three of the 55 African countries having established witness protection programmes. According to Kariri and Salifu (2016:5), South Africa is the pioneer followed by Kenya and Rwanda. South Africa thus plays a pivotal role in providing a benchmark and support for fellow African countries with regard to the establishment of witness protection programmes. Some countries have witness protection legislation in place, such as Mozambique, Morocco and Cabo Verde, whilst others have draft legislation still to be adopted into law, e.g. Uganda, Tanzania, Namibia, Egypt and Ghana (Kariri & Salifu 2016:6). The Sierra Leone special court model of protection is considered to be a new international criminal justice model for protecting African witnesses. That is because it is the first tribunal to be located in the same country where the alleged crimes took place and it places much emphasis on the provision of psycho-social support for witnesses (Mahony 2010:77).

The protection of witnesses in Africa is supported by formations such as the following (Kariri & Salifu 2016:4):

- The African Union Model National Law on Universal Jurisdiction over International Crimes (2012)
- The Rules of Procedure of the African Commission on Human and People's Rights (2010)
- The East African Magistrate and Judges Association (2000)
- The African Prosecutors Association (2003)
- The East African Association of Prosecutors (1995).

The next paragraphs will focus on the South African witness protection programme with cross-references to other countries.

Witness protection in South Africa dates back decades. Prior to 1992 the protection of vulnerable witnesses was provided for in the Criminal Procedure Act 51 of 1977 (South Africa: section 185A). The current Office for Witness Protection (OWP) was established during the year 2000 in terms of the Witness Protection Act 112 of 1998 (South Africa 1998: section 2). The Act is supplemented by internal policies aimed

at managing the day-to-day operations of the OWP. Some of these policies and the Witness Protection Act 112 of 1998 (South Africa 1998: section 6) are, however, outdated and do not adequately cater for the proper protection and management of witnesses. For example, section 6 the Act refers to security officers while the OWP does not make use of security officers. Furthermore, the Witness Protection Act is silent on issues of witness assistance and aftercare services for witnesses. Finally, the researcher has observed that the recent introduction of social workers in the OWP for the provision of psycho-social services requires proper co-ordination and incorporation of social work services into the programme to ensure a co-ordinated approach to service delivery.

The protection of witnesses in South Africa has evolved with the changing political landscape. Initially, the programme was under the South African Police Services (SAPS) where witnesses were kept in custody and forced to testify through confessions (Minaar 2002:118). In the past, witness protection was mostly administered on a short-term basis such as to protect witnesses in a specific commission of enquiry. The current programme is established nationally, and it is implemented in nine provinces where provision is made for witnesses to testify voluntarily by means of evidence. This means the operating model is the same across the nine provinces.

The Witness Protection Act locates the OWP under the Department of Justice and Correctional Services. However, since its inception it has been under the administration of the National Prosecuting Authority (NPA) (Mahony 2010:96). In recent years, the NPA has come under the spotlight and scrutiny by civil society organisations regarding its impartiality and prosecutorial policies (Monare 2015:1). Mahony (2010:96) further states that such scrutiny will without doubt compromise the confidence of ordinary South Africans in the OWP in as far as the NPA's autonomy is concerned. Dandurand & Farr (2010:46) states that in countries such as Kenya, the Philippines and others, the public is reluctant to co-operate with the protection programme to give testimony because of the lack of confidence in the system.

Admission to witness protection is voluntary in terms of the Witness Protection Act 112 of 1998 (South Africa 1998: Section 7) which states that any potential witnesses who have reason to believe that their safety or the safety of their family members is or may be threatened can approach a police officer, a person in charge of the prison, if incarcerated, a public prosecutor or a registered social worker in order to apply for protection. In other countries, such as Italy, an application for protection can be made only by public prosecutors or anti-mafia prosecutors, while in the United Kingdom (UK) the duty to apply for protection lies with investigators (UNODC 2008:59).

In recruiting witnesses to enter the programme, Boisvelt (in Dandurand & Farr 2010:22) cautions against alleged methods used to convince witnesses to enter witness protection programmes such as intimidation or unrealistic promises that cannot be fulfilled by the protection programme. Kaur (2011:366) emphasises the need for witness protection programmes to train their staff rigorously so that they are equipped to guide and advise potential witnesses properly during recruitment or pre-admission stages. This will enable witnesses to make well-informed decisions about joining the programme.

Witness protection is an important instrument in the fight against crime within the criminal justice system; however it comes with many challenges (Kaur 2011:364). Admission to the programme interrupts the life of a witness and family relationships. It can lead to disruptions in education, termination of employment, having to adjust to new, unfamiliar environments and a change of identity (Bakowski 2013:3). A witness has the option to be admitted alone into the programme or to include his/her significant others, such as family members. Some witnesses prefer to leave their family behind and by so doing eliminate the inconvenience that comes with relocation, except in cases where the entire family is threatened (Kiprono et al 2015:55). This implies that witnesses who are admitted to the programme are required to terminate contact with their family and keep a low profile to ensure that their identity is not compromised. Some witnesses find it difficult to assume a new lifestyle without the support of family and friends and resort to returning back home to face the committers of crime against whom they are going to testify without protection of the programme (Heffer & Willoughby 2017:2). This often results in

witnesses withdrawing criminal charges, retracting statements because of intimidation and in some instances, witnesses are murdered. According to Cook (2001:1), a South African witness who was scheduled to testify against members of People against Gangsterism and Drugs (PAGAD) was shot dead after withdrawing from the programme.

Witnesses automatically rely on the financial support provided by the OWP because of having terminated their employment and economic activity when they come into the programme (Council of Europe 1999:19; UNODC 2008:28). The aim of financial support is to assist witnesses to find their feet while they try to secure employment (Council of Europe 1999:19; Fyfe & McKay 2000:331). One of the principles of witness protection is that witnesses should be protected without too much inconvenience and changes in their lifestyle such as being provided with an equivalent amount of financial support to what they were earning prior to admission to the programme (Appleyard 2011:74; Council of Europe 1999:20). This includes the standard of the safe house in relation to the witness's home (Hamilton 1976:32). There is no standard amount of financial assistance provided to witnesses in terms of best practice globally. As a result, each country is at liberty to decide the amount. According to Kiprono et al (2015:55), in the early years of the protection programmes, not much consideration was given to witnesses and their families in terms of financial assistance, resulting in witnesses walking away from the programme. In South Africa, according to De Wet (2016:1), witnesses who lose their job as a result of entering the programme, are provided with a monthly salary replacement; the same amount they were receiving prior to entering the programme. Those who were unemployed receive a monthly allowance of R750 (Irish, Magadla, Qhobosheane & Newham 2000:22; Mahony 2010:107). In some countries, such as the USA, witnesses continue to receive a stipend after exiting the programme, and they are assisted to find a job or supported with skills training that will improve their chances to find a job, as the ultimate goal is self-sufficiency (Shenon in Koedam 1993:363). Witness protection programmes are encouraged to continue to provide support to witnesses after discharge from the programme as the threat on witnesses' lives is unlikely to end immediately (Appleyard 2011:18; Dandurand & Farr 2010:35; Dulume 2016:145; Fery 2012:19; UNODC 2008:74).

Witness protection programmes operate on a covert basis to ensure the secrecy of their operations and the safety of witnesses. The secrecy around the programmes, however, leads to difficulties for ordinary citizens to access information such as reports detailing the success and effectiveness of the programme (Fyfe & Sheptycki 2006:333; Mack 2014:239; Mahony 2010:109). Mostly, witness protection programmes publish annual reports regarding the performance and successes of their work. Information in these reports however, is often vague and reduced to statistics (Dandurand & Farr 2010:76; Fyfe & Sheptycki 2006:332). For example, one of the highlights of the OWP is that no witness was harmed or killed while under active protection for the past 18 years (NPA Annual Report 2018/19:92). The same was reported in the USA (Mack 2014:239). However, information is not documented on whether this group of witnesses managed to reintegrate well into society, if they found jobs and are self-sufficient and if they are safe or still experience intimidation and threats. Researchers (Appleyard 2011:18; Dandurand & Farr 2010:35; Dulume 2016:145; Koedam 1993:363) emphasise that the successful reintegration of witnesses should form part of determining the effectiveness of witness protection programmes. According to Kaur (2011:66), the resettlement process of witnesses should consider aspects such as culture, religion, background and social standing to ensure a smooth adaptation into the new community.

Witnesses are often traumatised by occurrences prior to their admission to the programme (Beune & Giebels 2013:16; Kayuni & Jamu 2015: 429). Koedam (1993:367) states that therapists (including social workers) who work with witnesses need to understand the nature of the client and take into consideration the issue of non-disclosure and secrecy that is likely to have an impact on the therapeutic process. Naturally, it is intimidating for witnesses to give testimony in court where they come into contact with the perpetrators of crime. Provision of psycho-social services in witness protection is thus required to ensure the following (UNODC 2008:27):

- Assessment of witnesses after admission into the programme in order to determine the needs of witnesses
- Development of individual programmes for the management of witnesses
- Development and implementation of rehabilitation and skills development programmes

- Empowerment and enablement of the witnesses to adjust to and cope in the programme
- Development and implementation of a court readiness programme including accompanying witnesses to court in order to provide support
- Development and implementation of an aftercare programme for witnesses when they exit the programme after giving testimony
- Linking of witnesses with external service providers for continuity of services after they are discharged from the programme.

In the absence of support services, including support from social workers working within a team with other professionals, some witnesses find it difficult to adjust to the programme and end up leaving the programme prematurely (Appleyard 2011:18; Fery 2012:23; Kayuni and Jamu 2015:430). In South Africa, a trend is seen in the high number of witnesses who withdraw from the programme too early (Dandurand & Farr 2010:46). According to the NPA annual reports, approximately 547 witnesses resigned from the programme between the years 2012 and 2019. This can be attributed to, among other things, lack of witness assistance. Literature on the protection of witnesses (Appleyard 2011:13; Beune & Giebels 2013:84; Council of Europe 2005:6; Kiprono et al 2015:52; UNOCD 2008: 27) emphasise that physical protection should be provided together with psycho-social services to ensure the well-being of witnesses.

Witness assistance is an important part of witness protection programmes and aims to provide support services to witnesses (Appleyard 2011: 74; Beqiri 2018:37; Demir 2018:332; Dulume 2016:127 Fery 2012:8; Fyfe & Sheptycki 2006:334; Mahony 2010:87; Newham 1995:6; Stanica & Coman 2014:279; UNODC 2008:27). Koedam (1993:367) and the UNODC (2008:27) emphasise that witness assistance is necessary to help witnesses recover from the trauma of experiencing crime, intimidation and to prepare for court. As such, it should be prioritised and not confused with physical protection.

After completing their testimony in court or judicial proceedings, witnesses are discharged and reintegrated into communities. While some witnesses are able to go back home to be reunited with their families, some are not, because of the ongoing

threat on their lives and are forced to start a new life away from their family and friends (Fyfe & McKay 2000:296; Irish et al 2000:39; Newham 1995:12). It is during this time that some witnesses who are used to benefitting from the proceeds of crime, especially those who are unskilled or struggle to secure employment because of criminal records, go back to their criminal activities to feed themselves (Fyfe & McKay 2000:281; Mack 2014:214; UNODC 2008:72). Fyfe and Sheptycki (2006:334), as well as Kayuni and Jamu (2015:432), are of the view that such witnesses pose a risk to the community where they are resettled as they are likely to endanger the community by re-inventing the wheel and engaging in criminal activities. According to Dandurand & Farr (2010:71), in the absence of proper and effective mechanisms in place, criminals enjoy the luxury of being treated as first-time offenders when they are caught committing crime again because of identity change. The study by Koedam (1993:363) revealed that 41 percent of convicted criminals are likely to return to crime.

The next section will focus on the researcher's reasons for conducting this study in the form of a problem statement.

### 1.1.2 Problem formulation

The introduction to the study presented in the previous section provided a foundation for the formulation of the research problem and the commitment of the researcher to pursue this research project. Formulation of the research problem will culminate in a problem statement which serves to guide the investigation as the study unfolds. The research problem refers to a puzzle that the researcher wants to assemble by conducting a study of the existing literature and theory (Blaikie 2010:16). According to Creswell (2009:18), a problem statement is nothing more than a concerning issue that the researcher wishes to interrogate. Creswell (2014:124) argues that a good qualitative problem statement contains information about the research problem, research designs and population. A problem statement can, therefore, be described as a set of challenges and gaps identified from the existing literature relevant to the topic being investigated.

The field of witness protection has not been researched much in South Africa or in Africa, with most African countries only beginning now to establish witness

protection programmes (Kariri & Salifu 2016:5; Mahony 2010:95; Njeri 2016:3). There seems to be insufficient documented information about witness protection within the South African context. Mahony (2010) entitled his study conducted in Africa “An afterthought approach in the justice system” because of the limited knowledge base available on witness protection programmes. Lack of available information leads to lack of knowledge and awareness of citizens about the witness protection programme (Beune & Giebels 2013:16; Eikel 2012:119; Fyfe & MacKay 2000:676; Fyfe & Sheptycki 2006:320; Mahony 2010:7). It appears that ordinary South Africans get to know about the OWP only from cases in the media where a disgruntled witness withdraws from the programme or the death of a witness is reported in newspapers. For example, Abbas (2016:2) reported on the murder of Shileen Jacobs, a witness who had agreed to testify against Cape Town’s notorious gang members and who had declined admission to the witness protection programme. Her murder resulted in the case against the accused being withdrawn because of a lack of evidence.

An indication of limited research can also be seen in the difficulty to find literature on the subject of witness protection programmes. The researcher undertook an extensive literature search with the assistance of the subject librarian at the UNISA library. A number of articles and books were found during this search under the topic ‘witness protection programme in South Africa’. Most of them, however, were published over ten years ago while some only made reference to Africa but were conducted in other countries. Wide-ranging literature available on witness protection is based on the American Federal Witness Security Programme (WITSEC). As a result of the limited research available, the researcher made use of some sources that are older than ten years in order to provide a rich history on the protection of vulnerable witnesses while recent sources helped to illuminate understanding into the trends and developments of the question under investigation. Thomson (2013) holds that the use of older literature in instances where recent texts cannot be accessed is justified as long as the researcher ensures a good balance between old and new literature in order to give an account of well-established, as well as ongoing developments and arguments in the field of study.

The following section provides a summary of the literature consulted on the protection of vulnerable witnesses in South Africa:

- A study by *Newham* (1995) of the Centre of the Study of Violence and Reconciliation focuses on the importance of the establishment of witness protection programme because of the history of fear and mistrust amongst South African communities. The study also highlights the reluctance of people to come forward with evidence owing to a fear of the apartheid administration.
- The second article by *Goodenough* (2002) focuses on the shortage of staff, misconduct, and the harassment of witnesses by police officers who were also responsible for the protection of witnesses. During that era, a high percentage of witnesses were associated with taxi violence and political unrest, mostly in KwaZulu-Natal (KZN).
- The third study was conducted by *Irish, Magadhla, Qhobosheane and Newham* (2000) of the Centre for the Study of Violence and Reconciliation. The aim of the study was to evaluate the management of witness protection, considering the views of both the witnesses and the staff. At the time of conducting the research, the current Witness Protection Act 112 of 1998 (South Africa 1998) had been in operation for only four months and therefore most of the information documented focused on the previous methods of protection which were provided for in the Criminal Procedure Act 51 of 1977 (South Africa 1977: section 185). The system of testifying was confession based, witnesses were kept in detention, forced and intimidated to co-operate with authorities. This is contrary to the current system, which is evidence-based and witnesses testify voluntarily. This study also highlighted previous protection measures that were put in place at that time. Some of these programmes were successful and some were not. For example, the *Goldstone Commission Witness Protection Programme* (1991) was established to protect witnesses who were to give testimony relating to the hit squads and political violence, most of whom were from KZN.

The *D'Oliviera Witness Protection Programme* in (1995) protected witnesses who were to testify in the Eugene De Kock trial. This programme lasted for a period of 18 months with the protection of some witnesses taking place in Denmark, because of the sensitivity and high risk associated with the case. The third attempt to protect witnesses was through the establishment of the *Investigation Task Unit* in (1994) that administered its own protection of witnesses, with the aim of determining the relationship between hit squads, the South African Police, and the military. This was followed by the *KZN Witness Protection Programme* in (1994) that protected witnesses who were due to testify in the KwaMashu massacre. The last programme was the *Truth and Reconciliation Programme* (1995) that also established its own witness protection for witnesses who were to appear before the commission. The main focus here was political violence.

- The fourth study was conducted by *Minaar* (2002) of the Institute for Human Rights and Criminal Justice Studies. This article focuses on the old systems of protection used in South Africa prior to 1992 and beyond. The information regarding the current witness protection is based on the content of the Witness Protection Act 112 of 1998 (South Africa 1998) and does not reflect the views and experiences of witnesses. This study also presented recommendations, some of which address gaps in the Witness Protection Act.
- In (2006) the *Public Protector* conducted an investigation into the then Witness Protection Unit (WPU) relating to financial support of witnesses, refusal to admit refugees who are witnesses before the international criminal tribunals, lack of support services for witnesses and lack of aftercare services for witnesses who are discharged from the programme. The investigation culminated in three recommendations namely: amendments to the Witness Protection Act 112 of 1998 to ensure provision of aftercare services; to attend to the staffing needs of the programme; and to rectify section 6 of the same Act. This report also identified gaps in service delivery.

- The most recent study was conducted by *Malunga* (2015) of the Office of the Public Protector. The report addresses witness protection in the context of whistleblowing in relation to corruption and the promotion of good governance. It does not refer to witnesses who are admitted to OWP.

There thus appears to be a lack of research in South Africa that focuses on the experiences and challenges of witnesses in the witness protection programme based on the provisions of the Witness Protection Act 112 of 1998 (South Africa 1998).

### 1.1.3 Rationale for the study

The rationale of a study relates to knowledge gaps; it reveals the merits and justifies the worthiness of the intended study (Maree 2016:29). Research is conducted for many reasons, such as to answer practical questions, to discover new knowledge, to change society and to understand and to interpret the social world (Neuman 2011:23). According to Tracy (2013:231), the rationale of the study highlights points such as the priorities of a particular context of a phenomenon, the revelation of aspects of life that have been overlooked or mistaken and studies that provoke transformation in the reader. It has to do with convincing the reader of the value of the study. The rationale of the study thus serves to provide logical reasons why a research study is necessary after gaps in practice and in literature have been identified.

In this study, research would be conducted to determine the experiences and challenges of witnesses in the OWP from the vantage points of witnesses, protectors, social workers and senior managers. The researcher's interest in this topic was ignited by the experience of practising social work in the OWP where it was observed that a high number of witnesses abandoned the programme prematurely. At the same time, the need for a co-ordinated approach in service delivery to witnesses by a multi-disciplinary team was identified. The researcher has been employed by the OWP since 2012 to date, in the position of social work manager stationed in Mpumalanga, and also responsible for rendering services in Gauteng and Limpopo. The researcher is of the view that the witnesses who resign from the programme must have had compelling reasons that forced them to

endanger their lives by returning to the same danger that necessitated admission to the programme in the first place. If the challenges that push witnesses to leave the programme can be successfully addressed and managed, premature exit of witnesses from the programme can be reduced. The researcher discovered that the OWP does not have dedicated practice guidelines to address the challenges of witnesses and ensure a co-ordinated approach in the delivery of services.

The researcher's interest is thus to find the reasons behind premature abandonment of the programme in a form of experiences and challenges of witnesses and to proffer practice guidelines that would assist the staff members of the OWP to curb the problem. The aim of the practice guidelines would be to address the challenges that lead to premature exit of witnesses and to contribute to co-ordinated service delivery. The researcher anticipated that the proposed guidelines would be informed by the views and suggestions of participants as well as literature on best practice in the field of witness protection.

The researcher further observed that most witnesses who enter the programme present with psycho-social challenges such as signs of trauma and anxiety. To address the psycho-social needs of witnesses, the OWP employed four social workers to provide psycho-social support to witnesses nationwide (De Wet 2016:2). This number of social workers is low compared to the number of witnesses admitted to the programme on an annual basis. In 2018/19 for example, 389 witnesses were admitted into the programme according to the NPA Annual Report (2018/19:92). This number suggests that there is a lack of sufficient social workers to render consistent and effective psycho-social services. The researcher is thus of the view that there is a need for improved provision of psycho-social services by the OWP. This view is supported by Mahony (2010:176) who recommended an increase in psycho-social personnel, as well as a need for an overhaul of witness protection practice in South Africa. Koedam (1993:364) revealed that without psycho-social support to empower witnesses to deal with the trauma related to crime, witnesses are likely to develop long-term mental illnesses in future.

Some witnesses seem to struggle in adjusting to the programme without their social network. As a result, they establish unsafe contact with family. The danger of

contacting the family is that the identity and location of a witness could be compromised and result in the perpetrators being able to trace a witness within the programme. An example of breach of non-disclosure with regard to location can be seen in the case of Yusuf Enous and his wife who were killed after making their location known to a family member (Solomon 2012:2). Incidents such as this could discourage future witnesses from coming forward with information that would lead to the prosecution of criminals.

Another concern relates to the financial support of witnesses. Some witnesses leave the programme because of hunger as they struggle to feed themselves from the R750 provided to them by the OWP. The challenge of insufficient financial support is aggravated by the fact that witnesses find it difficult to secure jobs while in the programme to augment the monthly allowance because of various reasons. Witnesses who are not employed find that it is easier to survive at home with the support of family and friends than in the programme where they do not know anyone and are unable to establish meaningful relationships with people in their new environments (Irish et al 2000:37).

The researcher anticipated that developing practice guidelines for co-ordinated service delivery from a social work perspective would contribute towards the general improvement of the living conditions of witnesses; improved service delivery; and would assist witnesses to cope and adjust better in the OWP. Reducing the high number of witnesses who exit the programme prematurely will contribute to an increase in witnesses who testify successfully, as well as to encourage more witnesses to enter the programme. The researcher predicts that the outcomes of this study will help to inform potential witnesses and the community at large about the services rendered by the OWP. On the other hand, it is expected that the proposed practice guidelines will play a pivotal role in improving and co-ordinating service delivery by officials in the OWP. The researcher further anticipates that the outcomes of this study will contribute to the body of knowledge in the field of witness protection and social work practice.

## 1.2 THEORETICAL FRAMEWORK OF THE STUDY

The theoretical framework, as defined by Hennink, Hutter and Bailey (2011:36), connotes a relationship between concepts that guides a researcher with the research design, data collection and the refining of research questions. Creswell (2009:51) defines theory as “an interrelated set of constructs formed into propositions or hypotheses that specify the relationship among variables”. Kramer-Kile (2012:29) states that theories should not be conceptualised; rather, they should be used to assist the researcher to interpret meaning and understanding of a phenomenon. Theory in research can thus be described as scientific knowledge that has been formulated with the aim of explaining a certain phenomenon in terms of the intervention programme, research findings and to guide and assist researchers to contextualise their study.

This study is based on the crisis theory of Caplan (1964) and the coping theory of Lazarus (1993). The researcher anticipates that the crisis theory will provide an understanding of the crisis that witnesses live through from the time of experiencing crime to admission to the programme and beyond. The coping theory, on the other hand, will illuminate understanding of how witnesses and their families cope with the effects of crime, being separated from family and uprooted from their social networks. A detailed account of these two theories and their relevance to this research will be discussed in Chapter Two, that focuses on the literature review for this study.

## 1.3 QUESTIONS, GOALS AND OBJECTIVES OF THE STUDY

The questions, goals and objectives of this study are presented in the next paragraphs.

### 1.3.1 Research questions

Research questions provide an important foundation that help to shape the study and give it direction. According to Agee (2009:433), qualitative research questions need to articulate what the researcher wants to know about the actions and

perspectives of people in social interactions. Rubin and Babbie (2013:78) and Yates and Leggett (2016:226) distinguish between central and sub-questions. Central questions are open-ended while sub-questions narrow the focus down by assisting the researcher to develop interview guides for data collection. Schutt (2012:27) refers to a social research question as “a question about the social world that one seeks to answer through the collection and analysis of first-hand empirical data”. Research questions in a qualitative study are thus specific and are able to guide the researcher to collect relevant data in his/her study.

The proposed research questions for this study were:

- *What are the experiences and challenges of witnesses in the witness protection programme in South Africa?*
- *What guidelines for co-ordinated service delivery to witnesses in OWP should be developed from a social work perspective?*

It was anticipated that these research questions would assist the researcher in the collection of data as well as in interrogating the research problem highlighted in the previous section.

### 1.3.2 Goals of the study

Research is conducted for various reasons. Blaikie (2010:7) states that research is conducted to contribute to the body of knowledge, to solve a social problem, to satisfy curiosity or contribute to society. According to Hennink et al (2011:17), the purpose of qualitative research is to “understand or explain behaviour and beliefs, identify processes and understand the context of people’s experiences”. Gray (2009:52) states that research goals in research are intended to describe the purpose of the study and not to describe the outcomes of the study. Research goals can, thus, be seen as what the researcher is interested to achieve by conducting the study and are closely related to the motive and problem statement of research. The goals of this study were planned to be the following:

- *To develop an in-depth understanding of the experiences and challenges of witnesses in the witness protection programme in South Africa.*

- *To develop guidelines for co-ordinated service delivery to witnesses in the witness protection programme from a social work perspective.*

In order to achieve these goals, the following objectives were developed.

### 1.3.3 Objectives of the study

While research goals are general statements, objectives are clearer and more measurable statements (Gray 2009:52). According to Gilbert (2008:53), objectives in research are steps taken to accomplish the goal. Mabelane (2016:12) states that research objectives help to “advocate answers to the ‘how’ part of the research goal and to help the researcher to manoeuvre the research process”. Research objectives can therefore be described as building blocks with timeframes intended to assist the researcher to achieve the goal of the study.

The objectives of this study are classified into three categories namely:

- To explore and describe the experiences and challenges of witnesses in the witness protection programme from the vantage point of witnesses
- To explore and describe the experiences and challenges of witnesses in the witness protection programme from the vantage point of OWP staff members (protectors; social workers; and senior managers)
- To develop practice guidelines to inform co-ordinated service delivery by the OWP from a social work perspective.

In addition to these three objectives, the researcher formulated the following process to follow in order to ensure that the study objectives would be achieved.

**Table 1.1: The process to be followed to achieve the objectives of the study**

<b>Witnesses</b>	<b>Protectors</b>	<b>Social workers</b>	<b>Senior managers</b>
<ul style="list-style-type: none"> <li>• To obtain a sample of witnesses in witness protection programme.</li>   <li>• To conduct semi-structured interviews aided by open-ended questions contained in an interview guide with witnesses.</li>   <li>• To explore the experiences and challenges of witnesses in the OWP and their suggestions for co-ordinated service delivery.</li> </ul>	<ul style="list-style-type: none"> <li>• To obtain a sample of protectors in the OWP.</li>   <li>• To conduct semi-structured interviews aided by open-ended questions contained in an interview guide with protectors.</li>   <li>• To explore the experiences and challenges of witnesses in OWP and suggestions for co-ordinated service delivery to witnesses from the perspective of protectors.</li> </ul>	<ul style="list-style-type: none"> <li>• To include all social workers at the OWP in the sample for participation.</li>   <li>• To conduct semi-structured interviews aided by open-ended questions contained in an interview guide with social workers.</li>   <li>• To explore the experiences and challenges of witnesses in OWP and suggestions for co-ordinated service delivery from the perspective of social workers.</li> </ul>	<ul style="list-style-type: none"> <li>• To include all senior managers at the OWP in the sample for participation.</li>   <li>• To conduct semi-structured interviews aided by open-ended questions contained in an interview guide with senior managers.</li>   <li>• To explore the experiences and challenges of witnesses in the OWP and suggestions for co-ordinated service delivery from the perspective of senior managers.</li> </ul>

<ul style="list-style-type: none"> <li>• To transcribe, sift, sort and analyse data obtained according to the eight steps of qualitative data analysis as constructed by Tesch (in Creswell 2009:186).</li> <li>• To describe the findings regarding the experiences and challenges of witnesses in OWP and their suggestions for co-ordinated service delivery.</li> <li>• To interpret the data and conduct a literature control in order to verify the findings.</li> </ul>	<ul style="list-style-type: none"> <li>• To transcribe, sift, sort and analyse data obtained according to the eight steps of qualitative data analysis as constructed by Tesch (in Creswell 2009:186).</li> <li>• To describe the findings regarding experiences and challenges of witnesses in the OWP and suggestions for co-ordinated service delivery from the perspective of protectors.</li> <li>• To interpret the data and conduct a literature control to verify the findings.</li> <li>• To draw conclusions and make recommendations</li> </ul>	<ul style="list-style-type: none"> <li>• To transcribe, sift, sort and analyse data obtained according to the eight steps of qualitative data analysis as constructed by Tesch (in Creswell 2009:186).</li> <li>• To describe the findings regarding the experiences and challenges of witnesses in the OWP and suggestions for co-ordinated service delivery from the perspectives of social workers.</li> <li>• To interpret the data and conduct a literature control to verify the findings.</li> </ul>	<ul style="list-style-type: none"> <li>• To transcribe, sift, sort and analyse data obtained according to the eight steps of qualitative data analysis as constructed by Tesch (in Creswell 2009:186).</li> <li>• To describe the findings regarding the experiences and challenges of witnesses in the OWP and suggestions for co-ordinated service delivery to witnesses from the perspectives of senior managers .</li> <li>• To interpret the data and conduct a literature control to verify the findings.</li> </ul>
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<ul style="list-style-type: none"> <li>• To draw conclusions and make recommendations regarding the experiences and challenges of witnesses in witness protection programme and develop practice guidelines for co-ordinated service delivery informed by the suggestions of witnesses.</li> </ul>	<p>regarding the experiences and challenges of witnesses in witness protection programme and develop practice guidelines for co-ordinated service delivery informed by the suggestions of protectors.</p>	<ul style="list-style-type: none"> <li>• To draw conclusions and make recommendations regarding the experiences and challenges of witnesses in witness protection programme and develop practice guidelines for co-ordinated service delivery informed by the suggestions of social workers.</li> </ul>	<ul style="list-style-type: none"> <li>• To draw conclusions and make recommendations regarding the experiences and challenges of witnesses in witness protection programme and develop practice guidelines for co-ordinated service delivery informed by the suggestions of senior managers.</li> </ul>
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The research methodology proposed for this study will be discussed in the next section, focusing on the research approach and design.

## 1.4 RESEARCH METHODOLOGY

Research methodology is another important aspect of the study that must be described and justified from the outset. Wahyuni (2012:72) defines research methodology as a “theoretical and ideological foundation of a method”, a map and a model used by the researcher to conduct research. Kramer-Kile (2012:30) agrees that methodology focuses on bridging the gap between the theoretical framework and the research methods. Research methods are specific tools, techniques and procedures adopted in a research study, namely, sampling, data collection, data analysis and interpretation of data (Payne & Turner 2008:336). Research methodology can thus be described as a scientific step-by-step process that details the general research approach and also reflects on the overall research strategy.

### 1.4.1 Research approach

There are two main approaches to research: the qualitative and quantitative research approaches. The research approach in a qualitative study is based on the social constructivist approach. It entails exploring the social world by collecting data in a natural setting without applying previously standardised methods (Mason 2009:24). Babbie (2010:247) agrees that qualitative research is concerned with understanding social events in natural environments outside controlled settings. The aim is often to gain an in-depth understanding of the meaning that participants give to their everyday lives. By comparison, quantitative research is associated with the positivist/post-positivist paradigm where data is converted into numbers, aiming to generalise findings to different groups and settings (Wahyuni 2012:71).

The following are characteristics of qualitative research:

- **Qualitative research is naturalistic**

The naturalistic approach refers to the process of analysing social actions without pre-determined theories and frameworks (Tracy 2013: 29). According to Silverman (2013:132), the natural setting is used as the source of data

collection where a social phenomenon is studied in its natural setting without manipulating the environment. The researcher is able to study the behaviour of participants as it occurs in order to understand the norm without reducing it to “particularity” (Shaw & Holland 2014:5).

- **The qualitative researcher is a human instrument in data collection**

The researcher is considered to be a human instrument of data collection by fulfilling the role of developing an interview schedule and personally conducting the interviews (Shaw & Holland 2014: 6). The researcher collects data through observations, interviews, and the use of a journal though a process of “deep attentiveness and understanding” rather than through questionnaires and inventories (Shaw & Holland 2014:6). This means the researcher also remains aware of his/her own thoughts and background as the study unfolds.

- **Qualitative research is predominantly inductive**

Qualitative research is inductive rather than deductive in nature with data collection and analysis taking place simultaneously (Creswell 2014:185; Lietz & Zayas 2010:190). According to Tracy (2013:22), an inductive approach begins with the observation of interactions and conceptualisation of general patterns towards making conclusions and building theory. Yates and Leggett (2016:226) share a similar view that, while a deductive approach is intended to test theory, inductive reasoning aims to generate new theory.

- **Qualitative research is holistic**

According to Gray (2009:177), as well as Yates and Leggett (2016:225), qualitative research depends on the assimilation of data such as observational notes, transcripts and interviews, appropriate to be used when determining experiences, opinions or relationships amongst people. Tracy (2013:26) states that qualitative approach is holistic in that it captures participants’ tendency to piece together various aspects of their social life into an integrated whole.

- **Qualitative research is descriptive**

Qualitative research incorporates expressive language and the “presence of voice” of participants by revealing what is typically concealed (Shaw & Holland 2014:6). Rich narrative descriptions help the reader to understand the context of the study in detail and at the same time enable the researcher to record “words and sentences” by the use of interviews, where reality is interpreted from the participants’ frame of reference (Bless, Higson-Smith & Sithole 2013:58).

- **Qualitative research is emergent in nature**

The emergent nature of qualitative research involves data collection and analysis procedures that evolve as the researcher gains more knowledge of the setting (Tracy 2013:30). According to Creswell (2014:186), the researcher responds to what is discovered and learned in the field instead of planning the study details in advance. According to Kalof, Dan and Dietz (2008:80), qualitative research is emergent in that data collection and analysis can be adjusted as data emerges and participants give an account of their perspectives and experiences.

- **Qualitative research focuses on the participants’ daily life experiences**

Qualitative research is embedded in the premise of producing findings that reflect the views, feelings and perspectives of participants (Boeije 2010:32). Yin (2011:8) refers to data emerging from qualitative research as representing the meaning that participants attach to their day-to-day lives. According to Shaw and Holland (2014:4), the tradition of qualitative research is concerned with how people “produce social reality” through their daily interactions.

- **Qualitative research is fundamentally subjective**

In qualitative studies, data is subjective, which means that the views and opinions of participants are subject to various and multiple forms of interpretation (Gray 2009:187). Qualitative research produces valid, detailed and non-numerical data that contributes to the in-depth understanding of a situation (Shaw & Holland 2014:5). Shaw and Holland (2014:7), as well as Silverman (2013:6), state that the researcher’s interest in understanding the

subjective and authentic views of participants is a strong feature of qualitative studies.

Based on the characteristics discussed above, the researcher came to the conclusion that a qualitative approach would be suitable for this study as it aims to analyse information conveyed through language and in natural settings (Shaw & Holland 2014:5). The researcher expected that the use of qualitative research would enable participants to relate their experiences and challenges of being in protection. Creswell (2014:20) states that the qualitative approach is suitable for studies where a research problem emanates from gaps in literature. In this study, the researcher established that there is a lack of documented research on the experiences and challenges of witnesses in OWP as well as a lack of documented processes and practice guidelines in rendering co-ordinated services to witnesses in OWP. Carey (2012:9) states that qualitative research is appropriate for studies that seek to improve professional practice and illuminate understanding of social problems. It was anticipated that, based on the suggestions of participants, the researcher would be able to develop practice guidelines for co-ordinate service delivery in the OWP. Creswell (2014:20) also refers to the suitability of qualitative research in relation to the personal experiences of the researcher. In this regard, the researcher gained a broad knowledge and experience in qualitative research during her master's studies where a qualitative approach was applied.

This study further identifies with a qualitative research approach in that it seeks to gain an in-depth understanding of the experiences and challenges of participants. The researcher planned that the study would be conducted within the natural setting of participants, specifically the safe houses of witnesses and the regional offices of OWP staff by using individual face-to-face semi-structured interviews and observation. The study seeks to answer the 'why' and 'how' questions by exploring and describing the day-to-day lives of witnesses.

#### 1.4.2 Research design

Once the research question and purpose of the study have been developed, the researcher has to decide on the research design without which a research study cannot begin (Wahyuni 2012:72; Yin 2011:75). According to Creswell (2009:3), a

research design details a specific plan on how data will be collected and analysed to answer the research questions. Blaikie (2010:15) states that the research design is an “integrated statement that justifies the technical decisions involved in planning a research project”. A research design can, therefore, be described as the scientific planning of social research with specifications on the methods that will be used to conduct the study.

Based on the description of a research design provided above, the researcher planned to adopt an instrumental case study design, and an explorative, descriptive and contextual strategy of enquiry for this study.

#### 1.4.2.1 Instrumental case study research design

Case studies are popular methods of research that favours intensity and depth, intending to interrogate social phenomena within boundaries of a specific situation or environment (Marshall, Gretchen & Rossman 2016:19). According to Shaw and Holland (2014:88), case studies strive to understand the “richness and complexity” of the unit of analysis. Creswell (2014:185) states that a case study enables the researcher to collect data in the natural setting where participants experience the issues being studied. Hennink et al (2011:9) and Neuman (2012:93) emphasise the importance of paying attention to the context to understand the behaviour and views of participants and how the context of the environment influences the views of participants. The researcher anticipated that the environment and boundaries of this study would be confined to the OWP’s regional offices and safe houses.

Case studies, according to Yin (2003:xiii), have long been stereotyped as weak research methods with inadequate accuracy, objectivity and consistency. Silverman (2013:143) argues further that qualitative researchers must avoid the use of a “purely intrinsic” case study. Researchers are thus encouraged to overcome these criticisms by exercising great care in designing their studies. In this study, the researcher proposed to employ a collective instrumental case study design as a strategy for inquiry. It was expected that the collective instrumental case study would enable the researcher to gain insight into and understanding of the experiences and challenges of witnesses in protection by examining the views of witnesses, protectors, social workers and senior managers (Baxter & Jack

2011S:550). The strength and esteem of qualitative research and case studies are established in studies that are exploratory, descriptive and contextual (Marshall & Rossman 2016:101).

In this study, it was expected that an instrumental case study would be used within the framework of exploratory, descriptive and contextual research (Silverman 2013:143). These three research designs and their relevance to the study will be discussed in the next section.

#### 1.4.2.2 Explorative research design

According to Bless et al (2013:60), an exploratory study is conducted when little is known about a phenomenon with the aim of research being to gain a good understanding of the social world. Marshall and Rossman (2016:78), as well as Neuman (2012:16) state that exploratory research enables the researcher to focus on a new area of study to formulate questions for future research. Babbie (2010:19) agrees that exploratory research, if carefully and well conducted, can dispel misconceptions and help pave the way for future research. This study is thus exploratory in the sense that little is known about the experiences and challenges of witnesses in protection.

There is not much documented knowledge on witness protection in South Africa and in Africa from the perspective of witnesses and staff members. Few articles on the witness protection programme could be found during the review of literature. The researcher anticipated that the exploratory research would enable her to gain an in-depth understanding of the experiences and challenges of witnesses, resulting in the development of practice guidelines for co-ordinated service delivery to witnesses from a social work perspective.

#### 1.4.2.3 Descriptive research design

In descriptive studies the researcher focuses on the descriptive accounts of participants to gain an understanding of the meaning that they attach to their day-to-day experiences (Willig & Billin 2012:120). According to Bless et al (2013:61) as well as Marshall and Rossman (2016:78), descriptive research aims to describe and document facts about the social world. A descriptive study is concerned with the

“who” and “how” questions of the study, which portrays the accurate characteristics of a person, situation or group being investigated (Neuman 2012:16).

The researcher planned to include a descriptive design in the strategy of enquiry to enable a description of the experiences and challenges of witnesses following the exploratory process.

#### 1.4.2.4 Contextual research design

Contextual research, according to Creswell (2014:185) and Fawcett and Pockett (2015:55), enables the researcher to collect data by focusing on specific events within a naturalistic setting. According to Rossman and Rallis (2012:8), the context in qualitative research refers to the participants' homes, places of employment and play, entertainment and places of socialising. Hennink et al (2011:288) hold the view that in conducting the investigation, the researcher should reflect on the physical, cultural, theory and methodological contexts of issues and their implications. Babbie and Mouton (2001:282) emphasise the importance of recognising that participants are part of the environment in which they live their lives.

By including a contextual approach in the research design, the researcher intended to focus on the context of the participants such as the conditions of the safe houses where witnesses are protected. The following section provides an account of the research methods adopted in this study.

## 1.5 RESEARCH METHODS

After explaining the research approach and design of the study, the researcher will now give a description of the planned research methods of this study. As defined by Neuman (2011:1), research methods are “techniques of research design, measurement, data collection and data analysis”. Payne and Turner (2008:336) refer to research methods as practical activities of conducting research that include procedures and principles of a particular research approach. The term “methods of research according to Carter and Little (2007:317), implies the details and description of the techniques applied in a study. Research methods can thus be seen as a description of the activities followed in conducting a study.

Research methods proposed for this study are presented in the next section, focusing on the population, the sampling, sampling methods and data collection.

### 1.5.1 Population, sample and sampling techniques

The population, sampling and sampling techniques are introduced in this section.

#### 1.5.1.1 Population

Population is defined by Whittaker (2012:75) as a group, usually people, about whom researchers want to draw conclusions. De Vos, Strydom, Fouché and Delpont (2011:478) see population as a term that sets a limit on the units of a study by referring to individuals with specific characteristics. According to Neuman (2011:241), a population is an “abstract idea of a large group of many cases from which a researcher draws the sample...”. Population can thus be described as a group of people being studied from which a sample will be drawn. The population of this study comprises four categories of participants namely:

- All witnesses throughout South Africa in the OWP at the time of collecting data
- All protectors employed by the OWP
- All social workers in the employ of the OWP
- All senior managers at the OWP.

OWP is coordinated at the national level and it is offered in the nine provinces of South Africa. The size of the population of the four categories of participants at the time of conducting the study was nationally as follows in line with the NPA Annual Report 2018/19 (NPA 2019).

The number of witnesses: 389

The number of protectors: 79

The number of social workers, including the researcher: four

The number of senior managers: three.

#### 1.5.1.2 Sampling

The criteria for inclusion in this study will be discussed in the next section. Marshall and Rossman (2016:05) state that, unless a sample is selected, the researcher would not be able to study the entire population intensively and in-depth. Tracy (2013:134) and Whittaker (2012:3) see sampling as a process of selecting the sources of data such as the location of the enquiry, time and specific activities to be observed. According to Padgett (2008:53) and Silverman (2013:148), it has become a general rule for qualitative researchers to use purposive sampling where participants are selected based on their competence to share the required information; meaning members of the population do not stand an equal chance of being selected. Sampling is thus a process whereby the researcher selects a sample from the population. This includes distinguishing between probability and non-probability sampling methods; the sampling technique; and the size of the sample.

#### 1.5.1.3 Sampling techniques

Non-probability sampling and purposive sampling fit well with qualitative research (Koerber & McMichael 2008:459). Neuman (2012:147) states that non-probability sampling is relevant for studies where not much is known about the topic under investigation and participants who possess certain qualities relevant to the study are selected. According to Carey (2013:46), non-probability sampling is a rich source of data; however it does not allow for generalisability and it is not representative. In this study the researcher planned to adopt non-probability sampling and purposive sampling.

Purposive sampling is one type of non-probability sampling where sources of data that will produce rich information for the study are selected (Creswell 2016:10). According to Tongco (2007:147), purposive sampling refers to a deliberate process of selecting participants because of the qualities they possess. In purposive sampling, the emphasis is on the inclusion of units or participants who represent various views and perspectives of the population (Koerber & McMichael 2008:464). Purposive sampling is thus a process of selecting individuals or cases to be studied who share similar views and experiences with the entire population using the researcher's judgement.

In selecting a sample, it was expected that the following criteria for inclusion would be used to obtain data that is rich and representative of the population:

**Inclusion criteria for witnesses**

- Witnesses in the OWP at the time of data collection
- Witnesses able and willing to take part in the study as participation is voluntary
- Witnesses who have been in witness protection programme for three years and longer: the reason for this criterion being that newly admitted witnesses might have insufficient experience of the programme
- Male and female witnesses of all racial groups
- Witnesses able to converse in English
- Witnesses being protected in six provinces, namely Eastern Cape, Gauteng, KwaZulu-Natal (KZN), Limpopo, Mpumalanga and Northern Cape. The reason for selecting only six provinces was to facilitate access considering the cost of travelling and accommodation.
- Witnesses with whom the researcher has not worked in her line of duty: the reason for this being to ensure that the information provided by the participants is not influenced by any existing work-related relationship with the researcher.

**Inclusion criteria for protectors**

- Protectors in the employ of the OWP for a period of five years and longer: the reason for this criterion being that protectors should have sufficient experience within their position
- Protectors able and willing to take part in the study as participation is voluntary
- Both male and female protectors of all racial groups
- Protectors able to converse in English
- Protectors deployed in the six provinces, namely Eastern Cape, Gauteng, KZN, Limpopo, Mpumalanga, Northern Cape. The reason for selecting only six provinces was to facilitate access considering the cost of travelling and accommodation.

**Inclusion criteria for social workers**

- All social workers in the employ of the OWP: the reason being that there are only four social workers nationally, including the researcher. The social work service in the OWP was introduced in 2012 for the first time and all four social workers were employed at that time.
- Social workers able and willing to take part in the study as participation is voluntary
- Social workers able to converse in English
- Both male and female of all racial groups

**Inclusion criteria for the senior managers**

- All senior managers in the employ of the OWP: the reason being that the OWP has only three senior managers at head office
- Senior managers able and willing to take part in the study as participation is voluntary
- Both male and female senior managers of all racial groups
- Senior managers able to converse in English
- Senior managers employed by the OWP for five years and more: the reason being that newly employed senior managers might not have enough knowledge of the programme.

The important aspect to note is that in qualitative research, the quality of the data is more important than the quantity and therefore the size of the sample depends on data saturation, and not the fixed size of a sample (Carey 2012:41; Yin 2011:89). Koerber and McMichael (2008:465), as well as Merriam and Tisdell (2016:101), state that data saturation is reached when data being collected seems to be a repetition without any new data coming forth, with the emphasis being on the quality of data and not the quantity. The determination of data saturation is illustrated further in Chapter Three of this research report.

**1.5.1.4 Preparation for data collection**

The first step in the collection of data is preparation in terms of ensuring that the research questions are well formulated and will be understood by participants and

that suitable participants with rich knowledge of the topic of study are identified (Babbie 2014:126; Rossman & Rallis 2012:146). It is important for researchers to seek permission from all stakeholders who will be involved in the research study (Tracy 2013:71). In view of ensuring that the researcher would be well prepared to start with the collection of data, the following process was planned.

The researcher anticipated acquiring the ethics clearance from the Departmental Research and Ethics Committee (DR&EC) at the UNISA Department of Social Work. According to Wahyuni (2010:74), data collection can commence only after obtaining permission from the University's Departmental Research and Ethics Committee (DR&EC). The second step was to seek permission from the Head of the OWP. This is in line with the Witness Protection Act 112 of 98 (1998: section 17 & 19) which state that permission must be granted before anyone can access and publish information related to the programme. Bless et al (2013:35) emphasise the importance of obtaining permission from the gatekeepers as well. The term gatekeeper refers to individuals within a group or community who stand between the researcher and potential participants such as community leaders, management of a department or organisation and a leader of any group of people who have organised themselves for a common purpose (Mcfadyen & Rankin 2016:82). In complying with this principle, the researcher planned to contact the provincial heads of Witness Protection in the six provinces, introduce the study and then seek their permission to act as gatekeepers and assist in the identification of participants for the study, using the criteria for inclusion described in the previous section.

Permission from gatekeepers or administrators does not necessarily guarantee that potential participants wish to participate in a study (Babbie 2014:325). Therefore, the researcher planned that this process would be followed by contacting the potential participants telephonically to establish rapport and request their participation. Lloyd, Kalsy and Gatherer (2007:68) emphasise the importance of establishing a relationship of trust with potential participants to pave the way for the study and to dispel any myths that might exist about the study.

It was anticipated that this would be followed by letters introducing the study to the participants, outlining a brief description of the study, a statement of the researcher's

experience and the contact details of the researcher. Further, the researcher would explain other aspects to be addressed during the first contact such as the time, venue and duration of the interview as well as possible questions.

The researcher planned to introduce the issue of digitally recording the interviews during the initial contact. The purpose of recording interviews is to ensure that the researcher would be able to capture every word uttered during the interview and to focus on listening instead of being distracted by writing a lot of notes (Silverman 2013:209; Streubert & Carpenter 2011:49). The researcher further planned to inform the participants about the risks and benefits of participating in the study and put a plan in place to mitigate such risks as well as to inform the participants about their rights and responsibilities. Finally, the researcher anticipated that this process would empower and enable them to decide if they wanted to take part in the study. Confirmation of voluntary participation was to be concluded through the signing of the consent form during the interviews. Informed consent refers to the principle that participants take part in the study voluntarily without coercion, based on their full understanding of the implications of participating in the study (Hennink et al 2011:63; Marshall & Rossman 2016:53; Silverman 2013:162; Whittaker 2012:20).

#### 1.5.1.5 Methods for data collection

Data collection according to Grinnell and Unrau (2011:562), as well as Rossman and Rallis (2012:168), is a process of discovering facts about the participants' views and experiences in order to answer the research question. The researcher anticipated adopting a method of data collection that would produce good and rich data, be cost-effective and feasible within the context of resources available for the study (Marshall & Rossman 2016:195). According to Creswell (2014:189), data collection in qualitative research entails "setting boundaries for the study and collecting information through unstructured or semi-structured interviews, observations and analysis of documents and visual materials, as well as establishing the protocol for recording information". Data collection can, thus, be described as the process of gathering data from participants and from other sources of information such as literature by means of semi-structured interviews and observations.

Qualitative researchers are typically inclined to use three methods of data collection, being participant observation, interviewing and analysis of documents (Marshall & Rossman 2016:141). An interview is described as a conversation between two people where one is a researcher (Gray 2009:69). According to Whittaker (2012:37), “interviews are best used for research that focuses on the knowledge, values, beliefs and attitudes of participants”. According to Whittaker (2012:37), during interviews participants are likely to discuss deep experiences, feeling free without being limited by having to complete standardised questionnaires. Wahyuni (2012:73) makes a distinction between primary and secondary data. Primary data is collected through interviewing participants and secondary data has to do with a review of publications and documentation. Data, according to Whittaker (2012:3), refers to the information that is collected to answer the research questions.

Semi-structured interviews work well in qualitative research with an exploratory research design. Face-to-face interviews, according to Englander (2012:14), enables the researcher to gain an in-depth understanding of participants’ life experiences and the meaning they attach to their everyday lives. The research questions in qualitative research studies are not narrowly defined which allows the researcher flexibility (Bless et al 2013:194). In this study the researcher planned to adopt individual face-to-face, semi-structured interviews with an interview guide, not forgetting that the researcher herself will be an important instrument of research as she listens attentively, takes notes and is able to probe further (Rossman & Rallis 2012:169). It was anticipated that the interviews with witnesses would take place in safe houses to ensure the safety and comfort of witnesses as well as to observe how witnesses interact with their environment. The interviews with staff members would take place in their offices. It was expected that the duration of interviews would be one hour and the researcher planned to make use of biographical and open-ended questions to gain insight into the lives, experiences and meaning that witnesses and OWP staff members give to their everyday lives (Hennink et al 2011:112).

In conducting the interviews, Tracy (2013:161) advises researchers to remain focused and employ listening, observation and probing skills, clarifying and interpreting to ensure the collection of rich and detailed data. In heeding the

suggestion of Rossman and Rallis(2012:169), the researcher anticipated that *active listening* would ensure that she pays attention to the emotions and weariness of participants and that this would assist her not to ask questions that were already answered and also to pause or terminate the interview if the participant was tired or emotionally traumatised by the questions (Babbie 2016:319; Marshall & Rossman 2016:117). Through *observation*, the researcher planned to take note of how participants interact with their environment and how the environment influences their responses. It was expected that the researcher would be able to pick up on the mood and attitudes of participants when responding to questions (Marshall & Rossman 2016:103; Tracy 2013:161). Further, the researcher planned to use *probing* by asking clarity-seeking questions and rephrasing in instances where a question was not satisfactorily answered such as clarification probes, elaborative probes and detail-orientated probes (Babbie 2016:276; Tracy 2013:162).

#### 1.5.1.6 Pilot testing

Before the actual data collection commences, it is important to conduct a test in the form of piloting. The significance of a pilot test relates to the feasibility of the interview questions, the size of the sample, and the issues of time and budget (Hennink et al 2011:120). It was anticipated that testing the questions to be used in the main study would help the researcher to determine whether intended data would be attained and whether participants would understand the questions. It was hoped that the results of the pilot study would inform the researcher about whether other aspects of the main study such as the questions, sample size and allocated time needed to be modified. Although the results of the pilot test are not included in the main study, the researcher follows the same methodology (Kumar 2015:305). The researcher planned to conduct a pilot test using the same methods of data collection that would be used in the main study, namely individual face-to-face semi-structured interviews aided by an interview guide. The researcher anticipated interviewing two participants for piloting purposes, one witness and one staff member.

#### 1.5.1.7 Methods of data analysis

Data analysis is the process of making sense of the information collected by identifying patterns, descriptions and explanations about the participants' lives (Whittaker 2012:93). Marshall and Rossman (2016:214) refer to the analysis of data

as a process of “bringing order, structure and interpretation to the mass of collected data...” which includes searching for similarities and relationships in the data. Babbie (2015:391) asserts that the analysis of qualitative data involves unpacking volumes of data collected without turning it into numbers. Data analysis is thus a process of organising and understanding the data collected by categorising, coding, tabling and making comparison of themes and categories.

In this study the researcher planned to analyse the data in accordance with the eight steps of qualitative data analysis constructed by Tesch (in Creswell 2009:186). It was planned to follow the process described below:

- The researcher intended to start by carefully reading through the transcripts one-by-one.
- While reading through the transcripts, the researcher planned to begin to note the topics in the margins.
- After reading a number of scripts the researcher intended to formulate themes by listing topics in the form of columns and thereafter grouping similar topics using headings representative of the themes.
- The researcher then planned to begin coding abbreviated themes while making space for new themes and also going back to groups of data to continue with coding.
- The researcher anticipated to then categorise by grouping related themes while also searching for sub-themes and abbreviations again to eliminate duplication.
- The researcher then planned to re-code if it was necessary while arranging themes and sub-themes alphabetically.
- The researcher expected to conduct preliminary analysis by clustering data into different categories while looking at the meaning of the data and this was to be the first time where irrelevant data would be left out.
- It was anticipated that if re-coding was not necessary, the researcher would continue analysing and readying the information in the form of outcomes of the study that would be presented in chapter four of this report.

The next section will focus on the verification of data through evaluation of the trustworthiness of the research processes and findings.

#### 1.5.1.8 Methods of data verification

Rigour in qualitative research has been a point of continuous discussion with some researchers criticising it for lacking the element of generalisability (Wahyuni 2012:76). According to Shenton (2004:63), these criticisms stem from the fact that the concept of validity and reliability cannot be addressed in the same way in qualitative research. Qualitative researchers (Carcary 2009:14; Lietz & Zayas 2010:191; Wahyuni 2012:77) argue that qualitative studies operate completely differently as the main goal is not to generalise but to produce credible knowledge and an understanding of a phenomenon within a unique context. The opinion of Tracy (2013:231) is that rigour in research is demonstrated by the extent to which care and effort is exercised to carry out the study ethically and in the appropriate manner. An alternative concept to validity and reliability of measurement, called trustworthiness, has been identified and accepted by qualitative researchers (Anney 2014:276; Kalof et al 2008; Krefting 1991:215; Lincoln & Guba 1985; Loh 2013:5; Lynham & Guba 2011; Marshall & Rossman 2016:47; Tracy 2013:231; Wahyuni 2012:77; Yates & Leggett 2016:27).

The term trustworthiness refers to the extent to which the design and the findings of the ethically-conducted study depict the perspectives of participants (Lietz & Zayas 2010:191; Yates & Leggett 2016:27). Some arguments about evaluating qualitative research date back decades, such as those of Lincoln and Guba (1985) who have been largely cited in social research on the evaluation of the quality of qualitative research. To achieve trustworthiness in qualitative research, the researcher planned to apply the principles of *credibility*, *dependability*, *transferability* and *conformability*.

- **Credibility**

It is important that participants must perceive the outcomes of research to be representative of their views and perspectives. According to Padgett (2008:181), credibility has to do with “the degree of fit between respondents’ views and the researcher’s description and interpretations of the data”. Tracy (2013:235) regards credibility as the researcher’s trustworthiness and good

character that has an impact on how people view the researcher's work. Bless et al (2013:236) state that a credible study is able to demonstrate the appropriateness of the research design and data analysis methods convincingly (Marshall & Rossman 2016:46).

The researcher planned to use *triangulation*. As described by Mouton (2009:157) and Shenton (2004:65) as well as Silverman (2013:137), triangulation refers to the use of multiple sources of data, such as interviews, observation and the review of documents. The researcher planned to collect data from four groups of participants, that is, witnesses, protectors, social workers and senior managers at the OWP. The researcher further intended to make use of *peer scrutiny* in order to enhance the accuracy of the data by acquiring the services of an independent coder to verify and consolidate the themes emerging from the process of data analysis (Houghton, Casey, Shaw & Murphy 2013:14; Lietz & Zayas 2010:196; Marshall & Rossman 2016:46; Shenton 2004:67).

In addition, the researcher planned to apply *thick description* (Merriam & Tisdell 2016:256; Tracy 2013:3). According to Lietz and Zayas (2010:194), referring to detailed accounts of participants in the research report enables the readers to relate to the outcomes of the study. The researcher intended to achieve this by using direct quotations from participants in the presentation of the research findings.

- **Dependability**

Dependability is another principle that increases trustworthiness in a study. It means that the study's procedures are documented and traceable with the intention not necessarily to arrive at the same conclusions but rather to present the logic that makes sense to others (Padgett 2008:181). Lietz and Zayas (2010:196) identify strategies to increase dependability such as *peer debriefing* as well as keeping a *journal* that details records of what has transpired throughout the study, including meetings and decisions taken. The researcher can enhance trustworthiness by consulting with peers who are knowledgeable and experienced in the field of study and in qualitative

processes through peer debriefing (Creswell 2009:192). In this study, the researcher intended to make use of the study supervisor for peer debriefing, as well as a journal to record all processes of the study from the beginning to the end.

- **Transferability**

The term transferability denotes the applicability of the findings of the study to other contexts, which were not part of the inquiry (Wahyuni 2012:77). Bless et al (2013:237) state that the study is transferable if findings can be meaningful in other contexts. Lietz and Zayas (2010:195) are of the opinion that transferable results that are not credible do not have the value of contributing to the body of knowledge. According to Wahyuni (2012:77), as well as Merriam and Tisdell (2016:256), the researcher must provide a transferability audit by giving an account of the context, the participants and the research process followed. In this study the researcher planned to use thick and rich descriptions of the setting and characteristics of participants to achieve transferability. The researcher also planned to make use of a research journal to describe in detail the background, the setting and the researcher's observations and experiences during the interviews. The researcher further planned to dedicate Chapter Three of this research report to provide an audit trail of the study.

- **Conformability**

In research it is important for researchers to ensure that there are no inconsistencies between the outcomes of the study and the data collected. Padgett (2008:181) refers to conformability as the extent to which the study processes are transparent for others to confirm the findings. Bless et al (2013:237) articulate that a study meets conformability if other researchers are able to arrive at similar findings by using a similar research process in a similar context. The researcher planned to acquire the services of an *independent coder* to review the study by analysing aspects such as the accuracy of transcripts and the relationship between interview questions and data (Creswell 2009:192).

*Reflexivity* further contributes to the trustworthiness of qualitative research. According to Tracy (2013:233), self-reflexivity is the honesty and awareness of the researcher's motive for the study; respect for participants; and the ability to be frank about one's strengths and weaknesses. Creswell (2014:202) refers to reflexivity as the researcher's introspection relative to his/her own personal stance about the methods of data collection and analysis that can have an impact on the outcome of the study. Lietz and Zayas (2010:193) argue that reflexivity is a process that unfolds throughout the study, not only once. To comply with this principle, the researcher planned to remain aware of her experiences as an employee of the OWP and to be neutral by separating her experiences from the data. It was expected that a research journal would also be used to document the researcher's feelings and observations during and after the interviews.

## 1.6 ETHICAL CONSIDERATIONS

Ethics in research help to regulate the conduct of the researcher. According to Biber and Leavy (2011:85) and also Gibson and Brown (2009:60), research ethics serve to maintain acceptable conduct and standards by protecting participants from potential harm be it physical, psychological or legal. Researchers have a moral and professional obligation to be ethical when conducting research. This goes beyond following the guidelines and rules of professional and educational institutions and includes the proper and legitimate manner of conducting research (Creswell 2009:88; Neuman 2011:43). Bless et al (2013:28) state that ethics in research help the researcher to eliminate the abuse of participants and to treat them in a sensitive and humane manner. Tracy (2013:243-245) distinguishes between procedural ethics, relational ethics and situational ethics in research. *Procedural ethics* refer to ethics mandated by institutions, such as the university and professional bodies; *relational ethics* have to do with the relationship between the researcher and participants, and how those relationships can have an impact on the study; and finally, *situational ethics* require the researcher to give consideration to what can be reported or not reported within the context of a particular setting. Ethics in social research can, thus, be seen as professional and principled processes that are

followed in conducting research including the moral character and integrity of the researcher.

The topic being studied is sensitive in the sense that the OWP and its operations are classified as “secret” in terms of the Minimum Information Security Standards (MISS) Policy of 1996. The researcher thus planned to conduct the study with great sensitivity by ensuring that information, such as the operations of the OWP, safe houses and the identity of staff members and witnesses would not be reported. Over and above the ethics of research, the researcher is obliged by the principle of non-disclosure, as part of her employment contract, not to share sensitive information about the programme. The researcher intended that the only information reported would relate to the experiences and challenges of witnesses in this research study.

The researcher further planned to obtain an ethical clearance certificate from the university, and permission from the employer to conduct the study and publish the results. The researcher intended to follow the guidelines of the University of South Africa on how to conduct research and on writing a thesis. Whittaker (2012:9) states that each university has its own ethical committee that decides how research should be conducted and the ethics to be followed. The researcher also planned to observe the professional code of ethics as stipulated by the South African Council for Social Services Professions (SACSSP). It was further expected that the ethical principles discussed below would be observed throughout the research.

#### 1.6.1 Informed consent

Consent is defined in the Protection of Personal Information Act 4 of 2013 (South Africa 2013: section1) as “any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information”. According to Whittaker (2012:20) and Hennink et al (2011:63), the researcher should provide written and sufficient information about the research to potential participants so as to enable them to make voluntary and informed decisions to participate or not in the study. As an employee of the OWP, the researcher was privileged in the sense that she had existing relationships with fellow colleagues and as such did not anticipate any challenges with regards to establishing a relationship of trust with potential participants. It would be, however, essential that colleagues

should know that the relationship with them would not be misused in any way and that their input would be kept confidential.

A consent form is a document signed by the participants confirming that their participation in the study is voluntary. In addition, the researcher committed to ensure that the rights of participants would not be compromised during data collection (Creswell 2009:89). The researcher planned to provide participants with sufficient information about the study to enable them to ask for clarity and make an informed decision about participating (Silverman 2013:165). The researcher also expected to make the participants aware that they have the right to withdraw from the study at any given time as participation is voluntary and that counselling services would be available if witnesses were traumatised by responding to the questions during the interview. Furthermore, the researcher intended not to mislead or promise the participants anything in return for their participation. The researcher also intended to obtain informed consent from the participants during the period of data collection. It was expected that this process would help to ensure that participants understand the advantages and possible risks of participating in this study.

### 1.6.2 Confidentiality and anonymity

The words confidentiality and anonymity are often used interchangeably even though they have different meanings (Hennink et al 2011:71). According to Babbie (2016: 65), the research study guarantees anonymity when other people who read about the research are not able to link information to a specific participant. Confidentiality, on the other hand, as described by Wahyuni (2012:75), refers to a pledge that information gathered during the interview will not be compromised to the disadvantage of participants by creating a disassociation between data and participants. Neuman (2012:62) holds the view that, even in cases where researchers are unable to ensure anonymity, confidentiality must still be upheld. Neuman (2012:62) further states that the researcher must ensure that the identity of participants is protected and the principle of anonymity should be adhered to by ensuring that participants' names are not identified.

In this study, the researcher anticipated that the participants' anonymity and identity would be protected by using pseudonyms. Information such as the contact details,

location and identity of participants would not be mentioned. Instead, the researcher planned to make use of codes and numbers to classify data during the process of data analysis (Kalof et al 2008:193). The researcher planned to conduct interviews with witnesses at their safe houses to ensure protection of identity, and staff members at their offices.

### 1.6.3 Beneficence

The term beneficence, as described by Bless et al (2013:29), has to do with conducting a research study that will be significant in promoting the welfare of people. Hennink et al (2011:74) state that a research study is likely to cause participants to become aware of what they feel and think, and this will help them to start to think about solutions to the problems discussed during the interviews. The emphasis of beneficence is that the researcher should at all stages of the research prioritise the best interests of participants. This includes minimising possible harm. According to Tracy (2013:299), research studies should aim at benefitting the community or the wider society.

In this study the researcher planned to observe all ethical considerations discussed above. This study anticipated developing guidelines for co-ordinated service delivery to witnesses in protection from a social work perspective that would assist in closing the gaps identified pertaining to the experiences and challenges of witnesses. The researcher's conviction is that the outcomes of this study will help to improve the well-being of witnesses and contribute to co-ordinated service delivery by the OWP. It was expected that the study would contribute to the body of knowledge in the field of social work and witness protection programmes.

### 1.6.4 Management of information

The researcher is required to go an extra mile in ensuring the proper management of data in this study because of the sensitive nature of participants and their identities. Padgett (2008:132) emphasises the importance of the proper management of high volumes of data, e.g. volumes of field notes, discussions, the researcher's observations and thoughts, as well as the notes on participants' behaviour. Management of information emanates from the ethical requirements of data collection. Corti, Van den Eynden, Bisop & Woolard (2014:2) state that

researchers should observe the principles of anonymity and confidentiality in the storage of data. Wahyuni (2010:5) suggests that hard copies of data should be kept in a lockable cabinet, while soft copies must be password protected on a computer to ensure that the identity of participants is not compromised.

The Minimum Information Security Standards (MISS) policy (1996) provides for the classification, management and storage of sensitive information and further differentiates between four categories of information classification. A distinction is made between restricted, confidential, secret and top secret classifications. Restricted is the minimum and top secret is the maximum classification. 'Secret' encompasses information which, if compromised, could lead to a loss of life. For the purposes of this study, the researcher planned that raw data and transcripts would be classified as secret, stored in a strong room, and soft copies would be password protected on the computer. It was expected that the interview schedule and transcripts would be destroyed five years after completion of the study because of the sensitive nature of the OWP.

#### 1.6.5 Debriefing of participants

Qualitative research seeks to understand the experiences, perceptions and beliefs of participants, and for this reason participants might become emotional, uncomfortable or experience trauma during the interview, especially when sensitive matters are discussed (Neuman 2011:146). Neuman (2011:146) further states that a core ethical principle is that researchers should never create stress unnecessarily without a legitimate research purpose for participants. The researcher is encouraged to debrief the participants who experience discomfort or trauma as a result of taking part in data collection. This includes referring participants for counselling and debriefing where they can receive help (Hennink et al 2011:75; Marshall & Rossman 2016:126).

In this study, the researcher anticipated to work with a colleague in the OWP to provide debriefing and counselling in instances where the participants were emotionally affected by responding to the research questions (Wahyuni 2010:75). The researcher predicted that external service providers with regards to counselling and debriefing would not be a good idea as the identity of the witnesses is not

supposed to be revealed to people outside of the programme. The researcher conducted an analysis of the risk level of the study and contingency plans were put in place to mitigate potential harm to witnesses. This plan was approved by the DR&EC at the time of reviewing the study proposal.

## 1.7 CLARIFICATION OF CONCEPTS

The next section will focus on the clarification of key concepts central to the study by describing their relevance to this research study.

### 1.7.1 Witness

Witnesses play a pivotal role during criminal proceedings and without them courts are often obliged to withdraw serious cases because of lack of evidence. According to the Witness Protection Act 112 of 1998 (South Africa 2005: section 1), a witness means “anyone who is or may be required to give evidence or who has given evidence in legal or court proceedings”. Mahony (2010:1) describes a witness as a person who is knowledgeable about information required in criminal proceedings. A witness is a person whose life is in danger as a result of collaborating with authorities (Dandurand & Farr 2010:7). The UNODC (2008:4) defines a witness as “any person irrespective of his or her legal status who is eligible under the legislation or policy of a country involved to be considered for admission to a witness protection programme” In the context of this study, a witness refers to a person who has collaborated with the state to give evidence in court; a person who is protected in the witness protection programme.

### 1.7.2 Witness protection programme

It is almost impossible for countries to protect witnesses without establishing formal protection programmes. A witness protection programme, as defined by the UNODC (2008:5), is a formally established programme aimed at protecting threatened witnesses through admission to the programme, relocation and change of identity. Dandurand & Farr (2010:12) states that protection programmes are measures designed to protect not only the physical safety of the witness but the investigations and criminal proceedings as well. Kariri and Salifu (2016:2) associate the witness protection programme with any action aimed at safeguarding a witness to ensure

effective testimony. A witness protection programme can, thus, be seen as the formal programme of a country developed to secure testimony of state witnesses through protection measures during criminal proceedings, with the ultimate goal being to fight crime. In South Africa, witnesses are protected by the Office for Witness Protection (OWP) established in terms of the Witness Protection Act 112 of 1998 (South Africa 1998: section 2).

### 1.7.3 Challenges

Challenges, as defined by Sloth-Nielsen (2004:2), relate to life experiences that threaten the stability of a person, family or community. The term “challenge” refers to “a demanding stimulating situation” (Collins 2010, sv “challenge”). A challenge is described as coming into contact with a situation that requires physical and mental ability to handle it successfully (Cambridge Advanced learners Dictionary 2013, sv “challenge”). In the context of this study, challenges refer to difficult encounters that witnesses experience during their stay in witness protection.

### 1.7.4 Experiences

Qualitative research is concerned with the experiences of people in a particular setting. The term experiences is defined as people’s perceptions or encounters of specific events (Collins 2010, sv “experiences”). Experiences can be either positive or negative. According to the Oxford Latin Mini Dictionary (2008, sv “experiences”) experiences are people’s day-to-day encounters, and the meaning they attach to them. The concept experience refers to a person’s knowledge that emanates from what they have seen or heard, mostly having an impact on their views (Oxford Learner’s Dictionary 2011, sv “experience”). Experiences, thus, can be seen as accumulated knowledge of an event that influences people’s way of thinking.

### 1.7.5 Social worker

Social work services are often required at a point in life where people meet social problems. The International Federation of Social Workers (in Thompson & Thompson 2016:xxix) defines a social worker as an academically qualified person who through his/her interventions advocates for social change, mediation, human rights, social cohesion etc. DuBois and Miley (2011:3) state that social workers assist people in resolving their challenges by providing them with information so that

they can make informed decisions. A social worker, as defined in this study, can thus be described as a qualified person who is registered with a regulatory body, either self-employed or working in an organisation with the intention to empower people to solve their problems.

### 1.7.6 Social work

Dickens (2012:34) views social work as a profession that operates on the basis of ethics. In South Africa, a social worker is a person who is registered under the Social Services Professions Act 110 of 1978 (South Africa: section 17) as amended, after obtaining a social work qualification. According to the International Federation of Schools of Social Work (2014), social work is:

...a practice-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people. Principles of social justice, human rights, collective responsibility and respect for diversities are central to social work. The profession of social work is underpinned by theories of social work, social sciences, humanities and indigenous knowledge, social work engages people and structures to address life challenges and enhance wellbeing.

According to Higham (2006:9):

The purpose of Social Work is (1) to enhance the problem-solving and coping capacities of people, (2) to link people with systems that provide them with resources, services and opportunities, (3) to promote the effective and humane operation of their systems and (4) to contribute to the development and improvement of social policy.

In this study, social work in the OWP is a professional service that is rendered by qualified social workers who are registered with the SACSSP to empower witnesses to adjust and cope better in the programme, to link witnesses with resources and to ensure their effective reintegration into communities through the provision of aftercare services. This study is thus undertaken from a social work perspective by utilising the knowledge, values and skills of social work to understand the experiences and challenges of witnesses within their context with the purpose of developing practice guidelines for co-ordinated service delivery and ultimately empowering witnesses.

### 1.7.7 Protector

A protector is a person responsible for the protection of state witnesses, who is appointed in terms of the Witness Protection Act 112 of 1998 (South Africa: section 5). The Cambridge Advanced Learners Dictionary (2013, vs “protector”) refers to a protector as a person who takes care of others. In most families, parents are responsible for the protection of their children. A protector is someone or a device that protects others from physical harm (Collins 2010, vs “protector”). For purposes of this study a protector shall refer to an individual who is employed by the OWP to care and protect the lives of state witnesses.

### 1.7.8 Service delivery

Service delivery refers to the act of providing services to customers (Cambridge Advanced Learners Dictionary 2013, vs “service delivery”). In South Africa, service delivery is a common phrase that refers to the distribution of services such as water, electricity, housing etcetera by government. Khali and Adelabu (2012:86) describe service delivery as an effective and efficient delivery of goods and services. In this study, service delivery refers to co-ordinated services rendered to witnesses who are in OWP by social workers, protectors and other functionaries of the OWP.

### 1.7.9 Policy

Most organisations use policies as a standard operating procedure to ensure that things are done in a consistent manner. The term “policy” is defined as a set of principles and ideas formed in order to enforce a good sense of administration in organisations (Oxford Latin Mini Dictionary 2008, sv “policy”). Alden and Aran (2012:3) refer to policy as a plan of action aimed to regulate the conduct or relationships between people or entities. Policies are a course of action to be taken into consideration when decisions are made (Oxford A-Z of English Usage, sv “policy”). For purposes of this study, policy shall refer to guiding principles and processes that must be followed to give direction to the day-to-day business of the OWP.

### 1.7.10 Guidelines

Guidelines and policy often work hand in hand. As defined by Atman, Simera, Hoey, Moher and Schulz (2008:49), guidelines refer to a minimum set of items developed

to improve accuracy and transparency in any organisation. According to the UNODC (2008:4) guidelines can be seen as useful measures of reference from previous experiences. Kilkenny, William, Browne, Cuthil & Douglas (2010:5) agree that guidelines denote a set of standards intended to provide direction in an organisation, maximise output and assess the efficiency of interventions. In this study, guidelines refer to a systematically developed tool proposed to guide best practice in relation to rendering co-ordinated services to witnesses in the OWP. The guidelines would be developed at the end of the study and be guided by the outcomes of the study; suggestions of participants; and review of literature on best practice in witness protection programmes.

#### 1.7.11 Perspectives

Unlike policies and guidelines, perspectives relate to people's understanding of a phenomenon. Bandura (2006:7) describes perspectives as people's views of a situation that help them to give meaning to their social world. Perspectives refer to a frame of reference or view of something resulting from knowledge or experience (Collins 2010, sv "perspective"). The concept perspectives is defined as techniques of applying meaning to something (Oxford A-Z of English Usage, sv "perspectives"). In this study perspectives refer to the views of both participants and the researcher.

## 1.8 FORMAT OF THE RESEARCH REPORT

This research report is planned to comprise of six chapters according to the brief review of each chapter presented in the following paragraphs. In Chapter One a general introduction and an orientation to the study are presented focusing on the problem statement, the research problem, rationale for conducting the study as well as the aims and objectives of the study. The ethical considerations and concepts central to the study are also clarified.

Chapter Two provides a review of the literature consulted and the theoretical framework adopted for the study. The chapter begins with a discussion of the historical overview of witness protection programmes globally and in South Africa. Furthermore, the chapter provides a discussion on the relevance of the crisis and coping theories in relation to the experiences, challenges and coping strategies of

witnesses in protection programmes. The chapter concludes with a chapter summary.

Chapter Three is dedicated to providing the application of the qualitative research methodology. The aim of the chapter is to provide an audit trail by highlighting how the research design and research methods were operationalised as planned in Chapter One.

In Chapter Four the findings of the study on the experiences and challenges of witnesses in witness protection are discussed. The findings are based on the views and suggestions of witnesses, protectors, social workers and senior managers and are presented in five themes. The views of witnesses were corroborated by those of staff members and further culminated in the development of practice guidelines towards a co-ordinated service delivery approach by the OWP. Literature control was also conducted to confirm and dispel the findings of the study.

Chapter Five entails the guidelines for co-ordinated service delivery to witnesses in OWP developed from a social work perspective. The guidelines are based on literature on best practice in witness protection programmes and the suggestions of both witnesses and staff members in the OWP.

Chapter Six consists of the conclusions arrived at and recommendations made for service delivery improvement in the OWP and possible future research topics.

## 1.9 SUMMARY OF THE CHAPTER

This chapter introduced and orientated the reader to the study by providing a proposed research plan. The chapter started by introducing the reader to the topic under investigation by providing a historical overview of witness protection programmes locally and internationally. The history of protection programmes can be traced to the 1960s in the United States of America (Bakowski 2013:3; Demir 2018:65; Fyfe & McKay 2000:280; Mack 2014:197; Mahony 2010:6). To set a foundation for this study, the problem statement was discussed, culminating in the identification of gaps in literature and in practice regarding service delivery for

witnesses in protection. The researcher further introduced the planned qualitative research methodology to be employed in this study. A description of the research design was provided, namely the instrumental case study design, supported by the exploratory, descriptive and contextual research designs. A plan of how the participants were to be identified and recruited, how it was anticipated to collect and analyse data was provided. The researcher further clarified the process of verifying data to ensure trustworthiness and ethical considerations. The chapter concluded by clarifying central concepts to the study and giving a description of the format of the report.

The review of literature is an important step in research. It helps the researcher not to re-invent the wheel but to draw from previous authors on the same subject. Hart (2001:2) states that by reviewing literature, researchers gain access to material relevant to their study and suggestions on the appropriate research approach. Literature review also serves to describe the concepts and theories that give structure to the study and how they have advanced over the years (Tracy 2013:99). The next chapter will provide a review of literature by various authors on the subject of witness protection.

## CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

### 2.1 INTRODUCTION

The state has a responsibility to uphold human rights and to protect vulnerable witnesses against harm and intimidation. The inability of a witness to testify because of lack of protection and support, is a loss to the primary objective of the criminal justice system to bring about law and order (Bhuckory 2013:43; Fery 2012:5; Khan 2013:27; Hoxha 2013:533; United Nations 2011:5; UNODC 2008:1). According to Mahony (2010:1), protection of witnesses is important for the success and integrity of the criminal justice system, and the witness's testimony is essential to the fact-finding process of the court and to link the offender to the crime (Beqiri 2018:28; Kariri & Salifu 2016:2; Newham 1995:2).

Witness protection is a formally established covert programme with strict admission criteria and a protection agreement that specifies the terms of protection to ensure that the witnesses of crime deliver testimony without fear and intimidation (Council of Europe 2005:3; UNODC 2008:5; Witness Protection Act 112/98 (South Africa 1998:section1). Witness protection includes physical and psycho-social security measures to protect the life, health and human rights of witnesses (Appleyard 2011:1; Bendo 2015:1; Kayuni 2015:1). It is regarded as an essential tool in combating crime and bringing criminals to justice as well as encouraging people to testify (Todorovska 2015: 203; Vincent 2016:26). In the absence of protection and support, impunity and lawlessness prevail (Fery 2012:5).

The success of the programme depends largely on the secrecy of the witness's location and identity, as a result witnesses play an active role in their own protection in terms of ensuring secrecy and non-disclosure (Appleyard 2011:70; Dandurand & Farr 2010:42; UNODC 2008:64).

The main aims of the programme are to protect the life of a witness and their family; provide support; and create an enabling environment to deliver testimony in court

(Demir 2018:62; Fyfe & Sheptycki 2006:332; Mujkanovic 2014:6; Stepakoff et al 2017:271). The evidence and testimony of a reliable witness is vital for the successful prosecution of criminals (Dulume 2016:125). Witnesses are regarded as a cornerstone for an effective criminal justice system without which securing convictions and maintaining the rule of law becomes a daunting task for the government (Dulume 2016:125; Vincent 2016:5). Stepakoff et al (2017:276) assert that by giving evidence witnesses not only aid the prosecution team but also regain a sense of power, control and healing over the traumatic events they have endured at the hands of the perpetrators. Some of the benefits of witness protection programmes, as highlighted by Mujkanovic (2004:7), are:

- Increased public confidence in the criminal justice system
- Increased number of crimes reported
- Better quality evidence provided by witnesses because of support services
- Increased willingness of communities to come forward with information
- Reduced delays in court proceedings because of witnesses who do not attend court when required to do so.

A witness is defined as a person who has knowledge of facts or actual circumstances that constitute evidence; who has the capacity to testify; and who has provided a formal statement to be used in criminal or judicial proceedings against the conspiracy to commit crime and committed crime (Appleyard 2011:50; Council of Europe 1999:6; Eikel 2012:100; Nowroz 2015:311; Rujan 2014:8; UNODC 2008:19). Witnesses are regarded as the ears and eyes of the criminal justice system for their role in assisting the police and courts in the prosecution of serious and violent crimes (Demir 2018:62). In order to qualify for protection, a witness must be willing to give credible and significant evidence that is likely to result in the successful prosecution of a perpetrator (Mack 2014:212).

Various categories of persons may qualify for protection (UNODC 2008:19). The first category is the victim of crime; the second is the criminal who decides to co-operate with the state to give testimony against fellow criminals; and the third is an informant or whistleblower; and lastly, an innocent bystander (Dandurand & Farr 2010:3; Demir 2018:64). According to Craig (2009:2), most witnesses who enjoy

protection fall within the second category such as murderers and those who are implicated in the commission of serious and violent crimes. The National Policy Guidelines for Victims of Crime (South Africa 2009:2) describe a victim of crime as a person who has suffered anguish, intimidation, physical and psychological harm through acts of violation of the law.

The criteria for admission to witness protection differ from one country to another. In some countries protection is extended to expert witnesses such as medical experts, forensic experts, mental health experts, financial experts and so on (Bakowski 2013:2; Dandurand & Farr 2010:5).

## 2.2 THE IMPORTANCE OF PROTECTING THE WITNESSES OF CRIME

It is important that witnesses are protected from intimidation and harassment without which they are afraid to give testimony (Bhuckory 2013:43). Intimidation of witnesses is perceived globally as a grave problem in trying to achieve successful prosecutions (Fyfe & McKay 2000:279). According to Dulume (2016:142), witnesses are susceptible to intimidation because of the very nature of the violence associated with crime and corruption that is often committed by powerful individuals. Perpetrators of crime use intimidation tactics to instil fear in witnesses. Intimidation is regarded as any form of a direct or indirect threat against the life, bodily integrity, liberty, property, economic and professional activity of a witness and his/her family (Bhushan & Pranti 2007:13; Council of Europe 1999:6; Fyfe & McKay 2000:676; Nowroz 2015:312; Rujan 2014:7 & Vincent 2016:53). The aim of intimidation is to undermine the criminal justice system by deterring witnesses from reporting a crime and giving testimony. Kariri and Salifu (2016:3) and Irish et al (2000:40) state that even in instances where the main perpetrator has been sentenced to a prison term, their associates may retaliate by hurting the witness, with the aim of discouraging others from co-operating with authorities in future.

Bhushan and Pranati (2007:20) are of the view that intimidation is not limited to witnesses but to communities and neighbourhoods as well. Some members of crime groupings, especially street gangs, tend to carry out brutal public acts as a way of

sending a warning and discouraging members of the community from co-operating with authorities, implying that the same could happen to them (Fyfe & Mckay 2000:680). In some instances, criminals go to the extent of intimidating justice officials such as prosecutors, judges, police officers and undercover agents. As a result, in some countries protection is extended to other people whose lives are in danger because of their relationship with the case (Dandurand & Farr 2010:9; UNODC 2008:22). According to Trotter (2011:521) and Arnold (2007:491), international tribunals have also experienced death, injury and withdrawal of statements by witnesses because of intimidation over the years.

Scholars (Demir 2018:63; Dulume 2016:140; Fery 2012:9; Kaur 2011:365; Mujkanovic 2014:3) state that often witnesses refuse to testify because of fear of reprisal and intimidation owing to lack of knowledge of the existence of witness protection programmes; lack of trust in witness protection programmes; and the culture of impunity that continues to exist especially involving high ranking officials and politicians. For example, Dandurand & Farr (2010:46) revealed that there is lack of public confidence about the integrity of the witness protection programme in countries such as the Philippines and Jamaica and as such, members of the public refuse to be admitted to the programme to give testimony. In cases where intimidation was successful, witnesses become refractory, change their statements, refuse to co-operate with the prosecution and generally claim poor recollection of events (Council of Europe 1999:10; Kayuni & Jamu 2015:428; Vincent 2016:400). Dandurand & Farr (2010:10) hold that intimidation is common in cases that involve organised crime. Section 13 of the United Nations Convention Against Torture (1987) emphasises that countries must put measures in place to ensure the protection of witnesses, victims and complainants against ill-treatment and intimidation by perpetrators of crime.

## 2.3 AN OVERVIEW OF THE WITNESS PROTECTION PROGRAMME

In most countries, witness protection remains the responsibility of the police while in some the programme is housed under the Department of Justice, the State Prosecutors' Office or an independent multidisciplinary unit (Beune & Giebela

2013:10; Dandurand & Farr 2010:40). For example, in the UK, Slovakia and Australia, witness protection is administered by the police; in the Netherlands it falls under the judiciary; while in Belgium it is run by a multidisciplinary body (Bakowski 2013:7). In South Africa, the OWP resorts under the National Prosecution Authority (Mahony 2010:97). The UNODC (2008:53) emphasises the importance of autonomy of witness protection programmes. Good practice dictates that there should be a sterile passage of separation between the police, prosecution team and witness protection programmes in order to avoid contamination of information and ensure impartiality and integrity of the processes of the protection programme (Appleyard 2011:13; Bakowski 2013:2; Council of Europe 1999:23; Dandurand & Farr 2010:15; Mahony 2010:12; Newham 1995:7; Vincent 2016:33).

Without other parts of the criminal justice system, witness protection alone cannot produce justice; it is important that various state departments collaborate at various levels to ensure successful and effective protection of witnesses, prosecutions, as well as to uphold the rule of law (Bhushan & Pranati 2007:19; Dulume 2016:143; Hart 2009:771; Mujkanovic 2014:58; Nowroz 2015:320). Dandurand & Farr (2010:12) are of the view that ineffective protection measures may affect the outcome of the trial and public confidence in the system.

Admission to witness protection is a life-changing event that comes with drastic adjustments and far-reaching consequences for witnesses and their families (Beune & Giebels 2013:11; Kaur 2011:366). Witnesses are significantly impacted and their lives are disrupted as a result. It is against this background that admission to a formal witness protection programme is mostly considered as a last resort where other protection measures cannot guarantee a witness' safety (Council of Europe 1999:11; Mack 2014:212; UNODC 2008: 68). Appleyard (2011:74), Council of Europe (1999:20) and Hamilton (1976:32) are of the view that the government should put measures in place to ensure that there are no drastic lifestyle changes in the life of witnesses as a result of being admitted to a witness protection programme.

The duration of the witness' stay in the programme depends largely on the length and processes of the investigations and prosecutions (Bhushan & Pranati 2007:14;

Council of Europe 1999:22; Dandurand & Farr 2010:45). In some countries such as Albania, protection continues until the situation of danger cease to exist; the witness has died; or the witness makes a written request to be discharged from the programme. In some American states such as California, protection is limited to six months only (Bhushan & Pranati 2007:19). According to the Council of Europe (1999:22), witnesses are mostly kept in witness protection programmes between two to five years. In South Africa, a witness is discharged from the programme six weeks after completion of testimony, irrespective of the existence of the threat (Irish et al 2000:23).

### 2.3.1 Global historical and current status of witness protection programmes

The protection of witnesses and victims of crime as an anti-crime strategy is recognised globally with an international, regional and national legal basis because of the growing trend of organised crime and terrorism (Council of Europe 1999:5; UNODC 2008:1). This necessitated countries to share good practice and collaborate on aspects such as international relocation of witnesses (Bakowski 2013:4). Some of the international laws and institutions that support the establishment of witness protection are highlighted below.

Article 68 of the Rome Statute of the International Criminal Court (1998) provides for the establishment of measures to protect the security, physical and psychological well-being as well as the dignity and respect for victims and witnesses of crime.

Similarly, the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power advocates for victims and witnesses of crime to be adequately recognised and treated with respect for their dignity. The United Nations against Transitional Organised Crime (2003) provides for member states to take appropriate measures to ensure protection of witnesses and victims of crime against intimidation. The European Union Agency for Law Enforcement Cooperation commonly known as EUROPOL (1998) is another example of a co-operation that comprises of leaders of national witness protection programmes who meet regularly to share good practice. Members of this association also assist each other with international relocation.

The idea of protecting vulnerable witnesses can be traced back to the USA in the 1960s, led by Gerald Shur, the then attorney in charge of intelligence and special services, whose aim was to dismantle organised crime by persuading witnesses to testify against members of the prominent Italian-American mafia group responsible for racketeering and drug dealing (Bakowski 2013:3; Demir 2018:65; Fyfe & McKay 2000:280; Mack 2014:197; Mahony 2010:6). The biggest challenge of the government was to prosecute members of this group as witnesses were either murdered or intimidated to the level of refusing to testify or withdrawing statements because of fear of harm to themselves and their families (Kaur 2011:363; Kayuni & Jamu 2015:423). According to Fyfe and Sheptycki (2006:321), Joseph Valachi became the first witness in 1963, prior to the establishment of the formal witness protection programme in the USA, to break the mafias' unwritten code of silence called 'omerta' by agreeing to testify against his fellow members of the Italian-American mafia. The UNODC (2008:7) revealed that Valanchi was guarded by 200 USA marshalls during his appearance before the congregational committee because of the level of threat on his life associated with his case. To date, the USA model of protection known as the Federal Witness Security Programme (WITSEC) established in terms of the Organized Crime Control Act of 1970, remains the oldest in the world and has provided a foundation and an example for the protection of vulnerable witnesses across the world (Fyfe & Mckay 2000:277; Kariri & Salifu 2016:4; Mahony 2010:5).

Today, a large number of countries around the world have adopted witness protection programmes as part of the broader strategy to fight organised crime, using some aspects of the WITSEC model as building blocks (Dulume 2016:129; Mack 2014:208; UNODC 2008:8). For example, Australia and Canada operate similar federal programmes while Germany and the United Kingdom run a number of regional programmes (Bakowski 2013:3). Italy introduced a witness protection programme in 2001, with different types of protection for various kinds of witnesses. Witness protection was set up in Columbia in 1994 and in 1977 in Hong Kong (Trotter 2011:532). Turkey enacted witness protection law in 2008 based on the Counter Terrorism Act and the Reinstatement into Society Act (Demir 2018:65).

In some instances, special arrangements have been established to deal with prosecutions related to crimes and witnesses. These include the following:

International tribunals that are established to prosecute mostly those responsible for crimes against humanity as well as the protection of witnesses who appear before them (Mack 2014:237). The International Criminal Tribunal for Rwanda (ICTR) was established by the United Nations Security Council to prosecute perpetrators of international crimes against humanity and genocide. Protection measures for witnesses were formally established through the rules of procedure and the ICTR statute in 1995. The International Criminal Court (ICC), established in terms of the Rome Statute of 1998, provides for the protection of victims and witnesses who appear before the court through the Registrar's Office (Arnold 2007:497; Trotter 2011:522). The Special Court of Sierra Leone (SCSL) was established in 2002 by means of an agreement between Sierra Leone and the United Nations to prosecute and provide protection for its witnesses through the witness and victims section established through Article 16(4) of the Statute of the SCSL. Some of the crimes prosecuted in this court include the use of child soldiers, forced marriages, attacks directed at peacekeepers, crimes committed during the Sierra Leone civil war, etc. The Extraordinary Chambers in the court of Cambodia (2003) was established to try the most senior persons responsible for violations of the Cambodian law, and international humanitarian law committed between 1975 and 1979, as well as protection and assistance of victims and witnesses who participate in its proceedings. The special Tribunal for Lebanon was established in 2009 to carry out investigations and prosecutions regarding the 2005 assassinations in Lebanon, terrorism, etc. Witnesses and victims who appear before the tribunal are afforded protection and support.

Witness protection does not exist in isolation. It is a broader strategy applied by governments to fight crime (Mujkanovic 2014:3). It requires a collaborative approach among various agencies within and outside the criminal justice system such as the departments of housing, education, health, home affairs, NGOs and the private sector (Dandurand & Farr 2010:56; Dulume 2016:143; Fyfe & Sheptycki 2006:350; Mahony 2010:12; Paunovic, Starcevic & Nesic 2013:34; UNODC 2008:55). Mujkanovic (2014:3) is of the view that an integrated approach to the protection of

witnesses should not only focus on legal professionals but on all segments such as medical professionals, social workers, psychologists, therapists, etc. According to Dulume (2016:143), witness protection is ineffective if other stakeholders within the criminal justice system do not function adequately. Mahony (2010:166) states that threats and intimidation against witnesses cannot be neutralised by witness protection programmes alone. Efficiency and integrity are required throughout the entire criminal justice system. The UN Human Rights Monitoring (2011:39) emphasises the importance of the establishment of coalitions between witness protection programmes and other government departments and NGOs, both nationally and internationally to ensure effective protection of witnesses.

### 2.3.2 Witness protection in Africa

Africa has recognised the importance to enact witness protection programmes as a broader strategy against crime because of the severe harm and intimidation of witnesses (Mahony 2010:9). Against this background, a number of structures have been put in place to ensure success in the protection of intimidated witnesses such as the following (Kariri & Salifu 2016:4): The African Union Model National Law on Universal Jurisdiction over International Crimes highlights the responsibility of both the prosecution and courts in ensuring the safety and protection of witnesses. The Rules of Procedure of the African Commission on Human and People's Rights emphasise the importance of protecting witnesses against retaliation by perpetrators of crime. The African Prosecutors Association established in 2003 comprises of 30 African countries that meet annually to enhance co-operation between the prosecuting authorities in Africa. The East African Association of Prosecutors aims to build trust and facilitate the exchange of knowledge on the prosecution and investigation of drug trafficking at regional and inter-regional level and lastly, the East African Magistrates and Judges Association, established in Mombasa in 2001, promotes the rule of law and sharing and exchange of good practice through an annual conference that rotates between its member states.

Regardless of these structures, witness protection in Africa remains non-existent, inconsistent or weak (Dulume 2016:130). Mahony (2010:11) refers to witness protection in Africa as a "rare and recent phenomenon". Kariri and Salifu (2016:1) attribute the state of affairs of witness protection in Africa to shortage of skills, lack

of political will and insufficient funding. At the time of conducting this study, only three countries had established formal witness protection programmes, i.e. South Africa, Rwanda and Kenya (Njeri 2016:3). In some African countries, initiatives to protect witnesses are still in the early stages, some countries have enacted laws and have not yet established a programme while others rely on informal means of protection that are rendered on an ad hoc basis. For example, Mozambique, Morocco and Cabo Verde have legislation in place, while others have draft legislation still to be adopted into law such as Uganda, Tanzania, Namibia, Egypt, Ghana, etc. (Kariri & Salifu 2016:5).

According to Dulume (2016:130), Africa continues to experience unsuccessful prosecution of serious crimes and acquittals because of the weak and inconsistent protection of witnesses. An example of this can be seen in the case of a witness who declined to testify against Boko Haram in Nigerian during 2014 because of fearing for his life (Kariri & Salifu 2016:3). As a result of the absence of formally established protection programmes, some witnesses in Africa have relied on the international criminal tribunals such as the International Criminal Court (ICC) for protection (Mahony 2010:11). This also poses a challenge for continental collaboration in terms of witnesses who cannot be protected or resettled within their country of origin (UNODC 2008:82). Lamont-Dobbin (2019:1) states that the ICC describes the inability of African countries to provide cross-border collaborations and protection of witnesses “an alarming shortfall”. This, according to Dulume (2016:131), is as a result of the high cost associated with setting up and running a witness protection programme.

### 2.3.3 Witness protection within the South African context

South Africa is recorded amongst the countries with high incidents of violent crimes such as murder, armed robbery, rape, car hijacking, etc (National Policy Guidelines for Victim empowerment 2009:2). The establishment of a witness protection programme is one of the response strategies adopted by the government to provide support to the witnesses and victims of crime in order to halt the vicious cycle of violent and organised crimes. The South African criminal justice system requires that a case is proven beyond reasonable doubt for the court to hand down a guilty

verdict (Newham 1995:2). One of the means used to satisfy this requirement is the testimony of a reliable witness (Dulume 2016:125; Fyfe & McKay 2000:675).

Witness protection in South Africa has existed for many years however it was administered differently from the current programme, mostly on a short term basis and for a specific case such as the Goldstone and the Truth and Reconciliation commissions (Newham 1995:3). According to Minaar (2002:118), prior to 1992 the protection of vulnerable witnesses was provided for in the Criminal Procedure Act 51 of 1977 (South Africa 1977: section 185A). The police officers were responsible for protecting witnesses and evidence was delivered by means of confessions and coercion. (Minaar 2002:118; Trotter 2011:533). The current Office for Witness Protection was established during the year 2000 in terms of the Witness Protection Act 112 of 1998 (South Africa 1998: section 2). It is established under the leadership of a national director, and it is implemented in nine provinces where provision is made for witnesses to testify voluntarily by means of evidence (Appleyard 2011:58). The Witness Protection Act empowers the director of the programme to source support from other government departments when required for purposes of ensuring effective protection and service delivery to witnesses (Irish et al 2000:24).

South Africa remains the continent's pioneer in witness protection with a formally established witness protection programme and also provides mentorship and training to fellow African countries that aspire to establish protection programmes (Kariri & Salifu 2016:5). According to Mahony (2010:165), the biggest threat to witnesses of crime in South Africa is the existence and growing trend of organised crime and gang groupings.

The statistics that could be found with the assistance of the NPA library concerning OWP witnesses are from the year 2002 to 2019. The statistics, as presented in the NPA annual reports, give an indication that the OWP has protected 5 755 witnesses between the period 2002 and 2019. Of this number, 559 witnesses left the programme prematurely during this period with the exception of the period 2015/16 and 2016/17 where the annual report does not reflect witnesses who abandoned the programme. It appears that at the beginning of the programme the number of witnesses who left the programme prematurely was higher. According to Irish et al

(2000:35) and Newham (1995:35), some of the reasons that cause witnesses to abandon the programme prematurely in South Africa include the impact of social uprooting, inability to adjust and cope in new and unfamiliar environments as well as poor witness assistance such as the insignificant, regulated financial allowances that witnesses receive on a monthly basis. Eight deaths of witnesses were recorded from the initial stages of the programme. However, none was because of an attack by the accused. The table below gives an indication of how many witnesses were protected in South Africa from 2002 to 2019.

**Table 2.1: The number of witnesses protected in OWP**

<b>Reporting period</b>	<b>Number of witnesses protected in OWP</b>	<b>Number of witnesses who abandoned the programme</b>
2002/2003	375	112
2003/2004	422	4
2004/2005	247	15
2005/2006	220	7
2006/2007	229	7
2007/2008	231	55
2008/2009	218	41
2009/2010	398	111
2010/2011	383	62
2011/2012	407	32
2012/2013	470	12
2013/2014	322	12
2014/2015	324	77
2015/2016	355	-
2016/2017	404	-
2017/2018	361	9
2018/2019	389	3
<b>TOTAL</b>	<b>5 755</b>	<b>559</b>

## 2.4 THE GENERAL PRINCIPLES OF WITNESS PROTECTION PROGRAMMES

It is worth noting that the criminal justice system, including protection of vulnerable witnesses, varies from one country to another. However, there are generic practices that cut across borders and that contribute to successful witness protection programmes. According to Khan (2013:28) and Article 68 of the Rome Statute (1998:33), it is important to remember that witnesses must be recognised for the vital role that they play in the criminal justice system and be treated with courtesy, and respect for their dignity. Below are general principles of a witness protection programme:

- **A clear legislative framework**

A clear legal framework is required in order to provide direction and accountability for the management of witnesses, finances and the general performance of the programme (Appleyard 2011:14; Njeri 2016:2). Vincent (2016:35) is of the view that the programme should be managed with governance policies implemented consistently to ensure compliance with witness protection values. According to Khan (2013: 30), this includes a legislative framework, which capacitates the programme to function confidentially with an emphasis on its autonomy from the political influence. Newham (1995:8) emphasises the importance for witness protection programmes to establish a system of checks and balances in order to enhance accountability. According to Dandurand & Farr (2010:38), as well as UNODC (2008:43), a witness protection programme that is grounded in law has got clearer management guidelines and reporting lines for accountability purposes.

- **Memorandum of understanding**

Upon entering the programme, the witness signs a standard protection agreement that stipulates the conditions of protection, responsibilities and expectations of both parties as listed below (Appleyard 2011:18; Beqiri 2017:347; Bhushan & Pranati 2007: 19; Council of Europe 1999:17;

Dworzecki: 201851; Fyfe & McKay 2000:285; Irish et al 2000:22; Mack 2014:225; Vincent 2016:24):

- Confirmation that the witness understands the nature of the programme and elects to voluntarily enter the programme without any coercion
- Commitment by the witness to give truthful testimony
- Commitment by the witness to comply with legal obligations and all reasonable requests by officers of the programme
- Obligation by the witness not to disclose their identity and location; this involves cutting ties with family, friends, social networks and quitting one's job
- Commitment by the witness to refrain from any activity that may endanger his/her life such as committing a crime while in the programme
- Obligation by the protection programme to take necessary measures to protect and support the witness, as well as to inform the witness about the full scope of services that will be provided
- Conditions under which the protection may be terminated
- Obligation by the witness to disclose other pending criminal/civil matters, ownership of property and financial obligations
- Provision of financial support by the programme and obligation by the witness to try tirelessly to find a job.

Researchers agree that such undertakings should be reasonable and avoid misunderstanding, misrepresentations, expectations and promises that cannot be fulfilled by the witness protection programme (Appleyard 2011:75; Kayuni & Jamu 2015:434; UN Human Rights Monitoring 2011:9). Some countries afford witnesses legal advice/assistance in terms of representation when signing a protection agreement (Council of Europe 1999:17). In most cases, a witness does not receive a copy of the protection agreement for security reasons (Dandurand & Farr 2010:43).

Mack (2014: 225) and the UNODC (2008:71) emphasise that while witnesses have an obligation to remain in compliance with the terms of the protection

agreement, they also have rights that must be observed by the protection programme such as the right to be treated with courtesy and respect, the right to internally appeal or challenge decisions that affect them negatively, as well as the right to a complaint mechanisms when they are aggrieved. Mujkanovic (2014:6) goes further to say witnesses protection programmes must provide witnesses with information, support and recognise their concerns and needs. According to Dandurand & Farr (2010:65) and the UNODC (2008:65), protection programmes should guard against focusing on the obligations and responsibility of witnesses while neglecting their rights.

- **Accountability**

Accountability is a principle of good governance (White Paper on Transforming Public Service Delivery 1997:28). It is important for witness protection programmes to account for services rendered to witnesses by putting measures in place to ensure adherence to good governance. The UNODC (2008:57) suggests that protection programmes should be audited to ensure that finances dispersed to them are accounted for. According to Dandurand & Farr (2010:76), as well as Mahony (2010:7), the covert nature of witness protection programmes, however, limits opportunities for oversight and monitoring. In South Africa, the Auditor-General audits the OWP annually in order to ensure compliance with government laws (NPA Annual Report 2016/17:62).

- **Witness assistance/ services provided**

Witness protection is not a reward for witnesses to co-operate with authorities but a mechanism to secure successful prosecutions against those who are responsible for undermining the rule of law (Council of Europe 1999:11; Irish et al 2000:22; UNODC 2008:56). Most countries only provide financial support to a witness in the form of an alimony equivalent to the witness's income prior to admission to the programme. Witnesses are not reimbursed for income gained from illegal activities and proceeds of crime (Beune & Giebels 2013:21; Council of Europe 1999:20; Newham 1995:8). This becomes a challenge for witnesses who are accustomed to leading extravagant lifestyles with money gained from participating in crime (Mack 2014:234). The allowance is intended

to assist the witness to regain some level of financial stability while they work towards becoming self-sufficient through securing employment or starting a small business (UNODC 2008:69). Most witnesses struggle to find jobs while in the programme and rely only on the monthly allowance. In South Africa, witnesses who were unemployed or who are unable to produce proof of income at the time of entering the programme receive a regulated monthly allowance of R750 while those who were employed receive an amount equivalent to their salary (Irish et al 2000:22; Mahony 2010:107). Irish et al (2000:38) further argue that this system of determining allowances is disadvantageous to witnesses who were unemployed but able to survive with the support of family. Witness assistance also entails support and care of witnesses such as provision of psycho-social services, ensuring access to medical care, support with education and schooling for children, assisting witnesses to prepare for court, etc. (UNODC 2008:27).

- **Funding for witness protection programmes**

The cost of setting up and running a witness protection programme is high. Governments are encouraged to ensure a sufficient budgetary allocation supplemented by donations from NGOs and the private sector to ensure efficacy in services rendered to witnesses (Appleyard 2010:17). According to Mahony (2010:12) and Dulume (2016:131), the shortage of resources in the African states serves as a deterrent for smaller countries to set up effective witness protection programmes. The costs of witness protection are generally made up of the accommodation of witnesses in safe houses, the relocation costs of moving a witness from the place of danger to a place of safety, financial allowances for witnesses, medical costs, legal assistance, salaries and subsistence of the programme staff (Fyfe & McKay 2000:287). According to Dandurand & Farr (2010:55), the size of the family of the witness admitted to the programme and the length of stay in the programme escalate the costs of protecting a witness. The cost is likely to be higher if the witness is relocated outside the country (Bakawski 2013:3). According to the Council of Europe (1999:23), Dulume (2016:145) and the UNODC (2008:50), the personal circumstances of a witness, the complexity of operations that are required to

ensure the safety of witnesses, once-off funds to set up the programme, premises and equipment also contribute to the high cost associated with witness protection programmes. Irish et al (2000:28) are of the view that South Africa could minimise the cost by making use of government-owned properties for safe houses instead of using rented properties.

## 2.5 THE PROCESS INVOLVED IN THE PROTECTION OF WITNESSES

The next section will focus on the processes of protecting a witness from the initial stages of admission to the programme, the management phase as well as discharge and aftercare. Admission to witness protection is voluntary. It is important that witnesses not only volunteer to testify but also to co-operate with measures taken to protect them (Balla 2012:136; Council of Europe 1999:13).

### 2.5.1 Recruitment and admission of witnesses

In the early years of witness protection not much regard was given to the family of a witness in terms of admission to the programme and this had a negative impact on the ability of witnesses to cope and adjust in the programme with some witnesses returning back home to their danger areas (Bhushan & Pranati 2007:19; UNODC 2008:70). Witness protection programmes around the world have resolved this by extending admission to a witness's family with the aim to reduce the high number of witnesses who abandon the programme prematurely in order to be with their families (Koedam 1993:365; Mack 2014:228; Newham 1995:6; Nowroz 2015:318; Paunovic et al 2013: 28). The issue of admission of a witness's family is applied differently in various countries. In South Africa for example, the family or relative of a witness who qualify for admission to the programme is referred to as a "related person" (South Africa 1998: section:8). The Act is however silent on the number of related persons who may be admitted to the programme. In Thailand, admission is limited to the wife/husband, dependent or a person who is a blood relation of a witness whose safety is also threatened. In Hong Kong protection is open to anyone who requires protection because of his/her association with the witness. Columbia provides protection to the blood relatives of a witness up to the fourth generation (Appleyard 2011:51).

During admission, a threat assessment is conducted to ensure that only witnesses who are in real need of protection are considered for admission to the programme (Dandurand & Farr 2010:34). Scholars (Bhushan & Pranati 2007:19; Dandurand & Farr 2010:42; Koedam 1993:362; Mahony 2010:33) emphasise that a threat assessment must be conducted together with a psycho-social assessment with the aim not only to determine the level of the threat but also to incorporate the assessment of a witness's psychological makeup, fitness to testify and capacity to cope with social uprooting and isolation. The outcomes of this assessment play a role in determining the type of protection measures and support appropriate for the witness (Newham 1995:12).

Countries are at liberty to decide on the requirements for admission to the programme (Bakowski 2013:5; Council of Europe 1999:13; Dandurand & Farr 2010:39; Mack 2014:212). In Hong Kong, the Netherlands and Croatia admission is limited to witnesses who testify in grievous crimes and organised crime. In Peru admission is considered for genocide and crimes against humanity. In the Philippines priority is given to crimes that involve grave felonies (Appleyard 2011:48; Beune & Giebels 2013:10). In Canada, the nature of investigation and the importance of the witness in the case take priority in qualifying for admission to the programme (Mack 2014:215). According to Beqiri (2018:30), the witness protection legislation in Albania caters for cases related to drug trafficking, organised crime and prostitution while corruption cases are not included. In South Africa, for example the Witness Protection Act 112 of 98 (South Africa 1998: section 26) makes provision for a list of offences in respect of which a witness may be admitted to witness protection. It is interesting to note that in South Africa and countries such as Kenya and Columbia admission to the programme is not only limited to criminal cases but includes commissions of inquiry and special tribunal proceedings (Irish et al 2000:24).

Countries are constantly looking for alternative measures to protect witnesses without admission to a formal witness protection programme (Nesengani 2012:1; UNODC 2008:29) because of the high cost of protecting witnesses. These measures are often considered for witnesses who are threatened but can survive

outside the witness protection programme (Appleyard 2011:48; Dworzecki 2018:49; Rujan 2014:18). Such measures are discussed in the following section.

- **The policing strategy**

The police have a duty to maintain the safety and security of citizens through regular patrolling, ensuring successful investigations and protecting victims and witnesses of crime against intimidation (Nowroz 2015:311). Some witnesses experience threats that are not life threatening but are burdensome, such as harassment, verbal threats, damage to property etc. (UNODC 2008:29). In such instances the police implement a security plan aimed at discouraging the perpetrators of crime from intimidating the witness such as temporary change of a witness's contact details or residence, escorting the witness in public places like hospitals, shopping malls and to court (Appleyard 2011:78; Beqiri 2017:346; Dandurand & Farr 2010:60).

- **Self-protection**

Some countries provide support to low risk witnesses to enable them to protect themselves. Such scenarios include instances where a witness does not meet the requirements for admission into the programme; the witness refuses admission; or the country does not have a formal witness protection programme (UNODC 2008:41; Vasile 2015:186). Self-protection measures include temporary relocation to a relative's home, financial support, training and advice on counter-surveillance (Appleyard 2011:87).

- **Close protection**

Close protection is a temporary protection measure by the police such as regular patrolling of the witness's home (Fery 2012:21). It may also involve a 24-hour physical protection, escorting of a witness to court and other public spaces and protection of a witness's place of employment by security officers. A witness may also be provided with emergency contact numbers and the installation of a security device in the witness's home (Appleyard 2011:79; Dandurand & Farr 2010:34; Vasile 2015: 189). The aim is to discourage the attackers but also to reassure the witness and future witnesses of the support

of authorities. Depending on the level of the threat temporary relocation might be necessary.

- **Procedural measures**

These measures of protection are intended to reduce fear, enhance security of a witness inside the courtroom during trial and prevent the perpetrator from seeing and identifying a witness (Appleyard 2011:86; Tekin 2015:13; Trotter 2011:535). Procedural measures are considered to be less restrictive and intrusive but sufficient to achieve the required protection (Beqiri 2017:343; Dandurand & Farr 2010:12;). Such procedures may include assigning a pseudonym for a witness during trial proceedings and in witness statements aimed at concealing the identity of a witness. The use of pre-trial statements instead of verbal testimony may also be considered; shielded testimony through the use of a screen, one-way mirror room, the use of a video link, face and voice distortion; and restriction of media to report on the matter (Fery 2012:21; Nowroz 2015:318).

An example of this was seen in South Africa on 17 February 2020 during the State Capture Commission of Enquiry chaired by Deputy Chief Justice Zondo where a witness gave testimony regarding corruption and money laundering involving senior politicians and government officials. A witness addressed only as Mr. X gave testimony from an undisclosed location through an audio link (Accram 2020:1). This became necessary after the witness received threats discouraging him to give testimony. Similarly, during the Marikana Commission of Enquiry in 2012 a witness also known as Mr. X who was admitted to OWP, testified regarding a massacre that resulted in the death of 47 mineworkers and police officers. The Chairperson of the Commission, Judge Farlam, ordered that the witness's face and identity must not be shown on the various media platforms (Marionovich 2014:1). What is important to note is that though the witness was under the protection of the OWP, it became necessary that procedural measures were applied to further enhance his safety. Beqiri (2017:342) states that concrete reasons are required, however, for the court to grant any of the procedural measures. Literature on procedural measures (Bhushan & Pranati 2007:21; Dandurand & Farr 2010:63; Dulume 2016:138;

Tekin 2015:17; UNODC 2008:40; Vincent 2016:8) indicate that procedural measures are often criticised for disadvantaging the accused and the defence attorneys regarding the right to a fair trial and to cross-examine the witness. This refers to the right of the accused to know the person who is testifying against them.

The success of witness protection programmes is also dependent on the recruitment of qualified and committed protection officers whose character and moral ground can stand up to scrutiny (UNODC 2008:47). The protection officers are expected to be persons who can function under cover, innovative thinkers, good negotiators, lay counsellors, physically fit and have people skills (Appleyard 2011:17; Dulume 2016:147; Semrad, UNODC 2008:48; Vangas & Bhullar 2012:9). Bendo (2015:5) emphasises the importance of vetting prospective employees of the programme to ensure confidentiality and security of information. It is also important to ensure that protection personnel are exposed to relevant training and constant refresher training to keep abreast with new developments in the field of witness protection (Council of Europe 1999:24; Kayuni & Jamu 2015:435; Mujkanovic 2014:41). In Australia for example, the protection officers are required to attend a refresher training annually known as the witness protection skills maintenance training programme in order to enhance their protection skills (Australian Federal Police 2012/13: 6) annual report.

### 2.5.2 International collaboration

Many countries have heeded the call by the UN Convention against Transitional Organised Crime (2003) to pursue a cross-border collaboration on the protection of witnesses (Bakowski 2013:4; Dandurand & Farr 2010: 58; Mack 2014:214). In South Africa for example, the Witness Protection Act 112 of 1998 (South Africa 1998: section 21) makes provision for international collaboration on the protection of witnesses. Some witnesses, because of the high level of threat on their lives, might not be successfully protected within their own country. In some instances, a witness could be protected locally but a need arises for international relocation when it comes to resettlement (Appleyard 2011:88). Smaller countries such as Sierra Leone find it difficult to protect witnesses locally as its geographical location is small and

information travels quickly, making it likely for a witness to be traced by criminal forces (Dulume 2016:133; UNODC 2008:82).

The two countries that are interested in cross-border protection conclude an agreement by signing a memorandum of understanding with obligations and responsibilities for each country. Communication between the two countries is mostly conducted at the level of the Minister of Justice. International collaborations are generally based on the following principles (Mack 2014:217; UNODC 2008:82):

- **Immigration laws**

After arriving in the other country with compliance of required processes, the witness qualifies to apply for naturalisation and citizenship. This allows the witness to be able to participate in the economic activities of the country and enjoy the same benefits as the citizens of that country.

- **Cost of protection**

Depending on the memorandum of understanding, some receiving countries claim full or partial reimbursement from the referring country, while some receiving countries take care of all costs of protecting a witness and their family.

- **Reintegration**

The witnesses are assisted to secure employment and where necessary they are issued with temporary work permits considering the standard of living of the witness in their home country. In some instances, the witness is also empowered with language training to enable them to fit into the community with ease.

- **Disclosure**

The referring country has an obligation to disclose information such as the level of the threat, liabilities of the witness, financial circumstances, criminal records, etc. There is, however, no obligation to disclose the details of the criminal/judicial case that necessitated admission into the programme.

### 2.5.3 Identity change and the safety of the community

Change of identity involves creating a new identity and moving the witness to an area where a third party cannot easily trace them. It has to do with providing the witness with a new name and identity documents in accordance with the laws of the country. During this process all documents of the witness's old identity are removed from them and as much as is possible, the new identity replicates the old one. Documents such as the identity document, birth certificate, educational qualifications, driver's licence, tax number and passport are changed and provided to the witness (Paunovic et al 2013:31; UNODC 2008:78). An important aspect of identity change is that a witness must not benefit or be disadvantaged by the changes except to ensure safety. Identity change is necessary to help witnesses to move on with their lives without fear of being recognised. However, it also leads to feelings of loss of autonomy, helplessness and boredom (Beune & Giebels 2013:27; Council of Europe 1999:20; Kaur 2011:366).

Details of identity change vary from country to country. In the USA, UK and the Netherlands, only essential personal details such as the name and surname are changed while in Germany and Australia, the parents' names, date and place of birth are also changed (Paunovic et al 2013:29). In Poland and Turkey for example, physical traits such as moles and tattoos are changed or removed through plastic surgery (Demir 2018:56). The greatest challenge to identity change is the growing technology and biometrics. Information such as fingerprints cannot be changed and will always link the witness to their old identity (Bakowski 2013:3; Dandurand & Farr 2010:49; UNODC 2008:90). In some countries, witnesses receive identity change when they enter the programme while in others, identity change is only applied when the threat against the witness cannot be neutralised through relocation (UNODC 2008:77). In the USA for example, change of identity is done immediately after the witness comes into the programme in order to enable them to move on with their lives without fear of being recognised (Council of Europe 1999:20). In some countries, identity change is considered after court proceedings are finalised and the witness is ready to exit the programme (UNODC 2008:77). The Witness Protection Act 112 of 1998 (South Africa 1998: section 1) makes provision for identity change. In some countries witnesses have an option to revert to their original identity after the case is finalised and all identity documents provided under

the programme are returned, however most witnesses choose to retain their new identity (UNODC 2008:81).

While change of identity is necessary to protect the witness against threat and reprisal, critics argue that relocation of witnesses with changed identities gives individuals who are implicated in the commission of crimes, a free slate to continue with their criminal activities and escape debtor obligations under a new name and identity, thus carrying a risk of harm to the communities where they are relocated (Fyfe & Mckay 2000:281; Fyfe & Sheptycki 2006:334; Kayuni & Jamu 2015:432; Mack 2014: 214; UNODC 2008:72). According to Dandurand & Farr (2010:69), most of the witnesses who receive identity change are not innocent bystanders and victims of crime but murderers and those implicated in serious crimes. Kaur (2011:363) states that this often happens when the state offers immunity or reduced punishment to a criminal in exchange for testimony in order to convict a kingpin of crime. According to Koedam (1993:363), there is evidence that some witnesses in the USA Federal Security Witness Protection Programme returned to their old ways of crime whilst under protection with a 17% rate of imprisonment. Mahony (2010:10) states that over 95% of witnesses in the USA have criminal records, meaning they are not first time offenders, with 21% of them re-offending within the first two years of being admitted to the witness protection programme.

#### 2.5.4 Termination of protection and aftercare services

Witnesses are mostly discharged after they finish delivering testimony and the level of threat is found to be non-existent or minimal (Dworzecki 2018:52). The protection agreement can be terminated either by the protection programme or the witness. Breaching the terms of the protection agreement by the witness, such as committing crime whilst in the programme and compromising their identity and location or refusing to honour their commitment to give testimony, are some of the reasons for termination of the protection agreement (Bakowski 2011:3; Dandurand & Farr 2010:45). In some instances, witnesses decide to resign from the programme prior to giving testimony when they can no longer tolerate the effects of being separated from family, the life of restrictions and the stress that comes with isolation (Mack 2014:2280). In South Africa, protection may be terminated under the following

conditions as provided for in the Witness Protection Act 112 of 1998 (South Africa 1998: section 13).

- The witness has caused serious damage to the safe house.
- The witness has behaved in a manner that endangers their own safety or the integrity of the protection programme.
- The witness misled the protection officers by providing false information during admission to the programme.
- The witness has failed to comply with the terms of the protection agreement.
- Alternative protection measures have been put in place for the witness.
- The life of a witness is no longer threatened.

In most cases, witnesses continue to fear for their lives even in instances where the accused was sentenced to a prison term (Fyfe & McKay 2000:295) because the risk of retaliation by the friends and family of the offender continues to exist (Irish et al 2000:40). Witness protection programmes are thus expected to extend support to the witnesses beyond the trial and testimony phase in order to ensure that witnesses are able to re-integrate well into society. Appleyard (2011:18) and Mahony (2010:91) suggest that protection should not be discontinued at once as new threats might resurface. Therefore, periodic threat assessment after disengagement from the programme is recommended, to ensure that the witness remains safe and new threats are neutralised (Mack 2014: 236). The UNODC (2008:75) emphasises that even in cases where a witness leaves the programme prematurely, some form of protection must still be provided. Irish et al (2000:41) is of the view that the witness protection programme is likely to gain the confidence of future witnesses if witnesses who have finished testifying are afforded support and assistance to reintegrate successfully in the community.

## 2.6 THE IMPACT OF WITNESS PROTECTION PROGRAMME ON WITNESSES

Witness protection is no doubt important in the eradication of crime. However, it imposes far-reaching unintended consequences and a huge burden on witnesses and their families, such as separation, isolation, stress and anxiety (Fyfe & McKay 2006:334). Some witnesses, as a result, turn to substance abuse as a way of coping

with tension and stress (Irish et al 2000:3; Newham 1995:6). Kaur (2011:366) refers to the impact of being admitted to witness protection as “rebirthing” of witnesses under the programme because witnesses terminate their association with family and friends, conceal their history and assume a new identity far away from home in a new location. Because of the threat on their lives, witnesses are moved from their habitual environment, placed in safe houses in unfamiliar environments where they are expected to transit to a new life, terminate any contact with their past, disguise their real identity and start a new life away from family and friends (Fyfe & McKay 2000:296; Kaur 2011:366; Mahony 2010:86; UNODC 2008:64). This includes terminating employment with no prospect of returning to their jobs when they leave the programme or being unable to secure another job whilst in protection.

The words relocation and resettlement are often used interchangeably in witness protection literature although they have different meanings. According to Mahony (2010:54), for some scholars relocation refers to international relocation while resettlement implies domestic relocation. For the purposes of this study, relocation refers to the removal of witnesses from their homes to a place of safety locally or internationally and resettlement refers to the processes that follows after a witness is discharged from the programme and is resettled in another area to start a new life away from their original home both nationally and internationally.

Witnesses also find it hard to establish a new social network because of the requirement not to disclose their history. They live in isolation with constant feelings of alertness, fear of being recognised by someone from their past and the difficult task of ensuring that they do not slip and say something that will link them to their past (Demir 2008:67; Fyfe & McKay 2000:282). According to Irish et al (2000:35) and Kaur (2011:367), isolation of witnesses results in boredom and loneliness that sometimes lead to witnesses resigning from the programme. Fyfe and McKay (2000:294) hold the view that while it is necessary to remove witnesses from immediate danger, it does little to allay feelings of anxiety about separation and what life will be like after they are discharged from the programme.

Social uprooting is reported to be one of the aspects that compels witnesses to leave the programme prematurely, some witnesses resort to initiating unsafe contact with

their family members as a result (Bakowski 2013:3; Beune & Giebels 2013:86). According to Fyfe and McKay (2000:682), often witnesses, because of the impact of social uprooting, lack of economic activity and being unable to establish a new social network, opt to return to their homes regardless of the seriousness of the threats on their lives. According to Stepakoff et al (2017:281), the inability of witnesses to create a social network, make friends and move on with their lives whilst in the witness protection programme contributes to trauma. Witnesses struggle to cope in the programme without their family while some find it impossible to live by the strict rules of the programme (Beune & Giebels 2013:55). Stepakoff et al (2017:271) are of the view that Isolation is a fundamental element of the stress and anxiety experienced by witnesses. In trying to manage the homesickness and unhappiness of witnesses, witness protection programmes arrange family reunion meetings where the witness is able to see their family through shielded video link communication or physical meetings in safe locations, far from where the witness is protected (Irish et al 2000:23; Mack 2014:228; UN Human Rights Monitoring 2011:19).

Researchers agree that physical safety without regard for the psycho-social well-being of witnesses is self-defeating on the side of witness protection programmes (Appleyard 2011:1; Arnold 2007:492; Fery 2012:8; Kayuni & Jamu 2015:426; Stepakoff et al 2017:272). Khan (2013:29) is of the view that although these two facets of the protection programme are different, they can be enhanced through a collaborative approach. Stepakoff et al (2017:273) further state that witnesses find it difficult to focus on preparations to deliver testimony in court until their psycho-social issues are addressed, as they need to first achieve psychological stability.

By entering the programme, witnesses expose themselves to a life of stress and anxiety that could result in permanent mental health challenges (Koedam 1993:376). Counselling and therapy are thus required, not to discuss and rehearse evidence and testimony but to help the witness to achieve mental and psychological stability in preparation for trial and to cope with the isolating effect of the programme (Stepakoff et al 2017:277; Vincent 2016:30). The UNODC (2008:27) emphasises the importance of providing support for witnesses and avoiding re-victimisation in order to achieve efficient prosecutions, such as reminding a witness of the content

of their statements as it could be long before they appear before court (Beqiri 2017:347; Dandurand & Farr 2010:18; Mahony 2010:87, Paunovic et al 2013:29; UNODC 2008:68).

## 2.7 THE EFFECTIVENESS OF WITNESS PROTECTION PROGRAMMES

There is a general lack of empirical research on the effectiveness of witness protection programmes across the world because of the difficulty and restrictions on accessing programme-related information (Dandurand & Farr & 2010:76). Witness protection programmes operate on a covert basis in order to ensure the secrecy of their operations. Fyfe and Sheptycki (2006:332) state that most of the information pertaining to the effectiveness of protection programmes is based on “anecdotal observations” rather than scientific research. The only information easily accessible is the statistics of how many witnesses are protected at a given time. As a result, the determining factor for success is often linked to the number of successful prosecutions and the number of witnesses who are not harmed or killed whilst under protection (Fyfe & Sheptycki 2006:333; Mahony 2010:109). In the USA, for example, the Marshal’s Witness Security Fact Sheet (Mack 2014:239) reported that no witness was harmed while under active protection. In terms of statistics on successful convictions, Dandurand & Farr (2010:12) and Kaur (2011:368) revealed that the USA also reported a high conviction rate in comparison to countries without a witness protection programme such as Sri Lanka. Similarly, South Africa and the UK recorded zero harm to a witness under protection and an increase in prison term convictions of witness protection cases (Kariri & Salifu 2016:5; Mahony 2010:109; Newham 1995:2). In Australia, the media reported the death of a witness and his wife who were killed while under protection (Dandurand & Farr 2010:73). Such reports can only serve to deter future witnesses from signing up for protection.

The Council of Europe (1999:26) and Mahony (2010:8) are of the view that the success and effectiveness of the programme should not be measured against physical safety only but also on the psycho-social wellness of a witness and collaboration with other stakeholders.

## 2.8 PSYCHO-SOCIAL SERVICES IN WITNESS PROTECTION PROGRAMMES

Witness protection is divided into two important aspects, i.e. physical protection and psycho-social protection. While physical protection focuses on physical safety and protection against bodily harm, violence, intimidation and harassment, psycho-social protection has got to do with counselling, therapy, trauma debriefing, access to medical care, financial support, familiarising a witness with courtroom procedures and protocols, provision of accompanying persons, job placement and social support of witnesses (Arnold 2007:492; Bhushan & Pranati 2007:19; Trotter 2011:531). Psycho-social services in witness protection are provided by a team of social workers, psychologists, therapists, medical doctors, etc. (Fery 2012:23; Newham 1995:11; UNODC 2008:28). Victims and witnesses of crime are often faced with crime-induced trauma and it becomes necessary that they receive psycho-social support (Fyfe & MacKay 2000:688). Beune and Giebels (2013:11) attribute these experiences to primary victimisation such as intimidation, harassment, assault that witnesses are exposed to prior to their admission to the programme.

The main aim of witness protection was initially to take care of the physical safety of the witnesses in order to secure successful testimony. However, the idea to ensure witnesses' psychological well-being has developed to prominence in recent years (Dulume 2016:135; Kayuni & Jamu 2015:430; Mahony 2010:2). There has been a significant increase in interest across the world to improve the treatment and services for witnesses whilst in the programme to help them deal with trauma and prepare to give testimony (Mujkanovic 2014:12). This is as a result of the social uprooting, isolation and trauma that comes with participation in the programme. This trauma leads to the higher than average cases of depression and suicide as witnessed in the USA (Newham 1995:6). Koedam (1993:367) is of the view that without psycho-social intervention to help witnesses to mitigate these challenges, they are more likely to abandon the programme and return to their homes and by so doing putting their lives at risk. According to Mahony (2010:49) and UNODC (2008:28), witnesses are also confronted with various other psycho-social challenges, which make testifying an overwhelming task and a source of anxiety.

Witnesses may feel anxious, insecure, angry, upset, afraid, guilty and ashamed as a result of their participation in the witness protection programme and giving testimony in court (Mujkanovic 2014: 67).

If not treated, anxiety and stress can affect the quality of the witness's testimony and result in mental health problems (Beune & Giebels 2014:8; Matthias 2011:195). Kayuni and Jamu (2015:429) are of the view that the benefit of satisfactory care and support is that witnesses will be more willing to co-operate with authorities. For the witness and their family to come to terms with the sudden changes in their lives as a result of being admitted to the programme, it is important that they are exposed to psycho-social services to help them cope and adjust to a new lifestyle. Appleyard (2011:74) and Fery (2012:8) posit that access to care and support for witnesses will reduce the emotional impact of giving testimony. According to Appleyard (2011: 4), Dulume (2016:127) as well as Stanica and Coman (2014:27), psycho-social services are rendered to witnesses before, during and after trial. There is evidence to show that in Germany and the USA witnesses who had access to counselling and support were able to deliver quality testimony in court leading to successful prosecutions (Arnold 2007: 492).

After admission to the programme, witnesses often feel helpless because of a loss of autonomy and anxious about their future. Part of witness management is to ensure rehabilitation of witnesses by providing training and skills that would improve their chances of acquiring jobs and ensuring self-sufficiency when they leave the programme (Appleyard 2011:18). Without learning new skills, witnesses who are not skilled, especially those who were part of committing a crime, are likely to go back to crime in order to provide for themselves. In South Africa, witnesses who participated in the commission of a crime are admitted to the programme in terms of the Criminal Procedure Act 51 of 1977 (South Africa 1977:section 204).

The role of social workers during admission into the programme is to conduct psycho-social assessments in order to determine the coping responses and risk behaviour, as well as to provide witnesses with sufficient information about the programme to enable them to make informed decisions (Appleyard 2011:70; Beune & Giebels 2013:90; Bendo 2015:3; Council of Europe 1999:24; Dandurand & Farr

2010:42; Khan 2013:29). According to Fery (2012:6), the outcome of assessment is helpful in terms of determining the protection plan, the needs of a witness and the services required.

Some witnesses find it difficult to come into contact with the accused in court and by sitting next to the witness during testimony as part of accompanying persons, social workers give reassurance and support to help the witness to feel confident while giving testimony (Appleyard 2011:21; Beqiri 2017:346; Stepakoff et al 2017:277; UNODC 2008:34).

Witnesses experience new challenges at different stages of the protection programme. Thus, it is important to continue to provide support after they have been discharged from the programme to ensure that they are able to reintegrate well in the community (Beune & Giebels 2013:22; Fery 2012:9; Khan 2013:31). In instances where there is a need for continuation of services at the time of exiting the programme, witnesses are linked with service providers in the community outside the programme (Appleyard 2011:19).

## 2.9 THEORETICAL FRAMEWORK OF THE STUDY

The theoretical framework, as introduced in Chapter One of this study, connotes a relationship between concepts that guides a researcher with the research design, data collection and also the refining of research questions (Hennink et al 2011:36). According to Neuman (2012:26), the purpose of social theory is to “explain or answer why the social world has certain patterns, operations or events”. Kramer-Kile (2012:29) and Tracy (2013:49) state that theories should not be conceptualised. Rather, they should be used to assist the researcher to interpret meaning and understanding of a phenomenon. Theory in research is thus scientific knowledge that has been formulated with the aim of explaining a certain phenomenon meant to guide and assist researchers to contextualise their study.

This study is based on the crisis theory of Caplan (1964) and coping theory of Lazarus (1993). These two references are classic sources; they are old yet they are relevant to this study. The origin of the crisis theory is found in the work of Lindeman

(1943) in his interactions with patients of grief and later expanded by Caplan (1961). A number of contributors (Collins & Collins 2005; Greenstone & Leviton 2002; Roberts & Grau 1970) added to the original thinking of the founders of the crisis theory that continues to provide a blueprint for crisis management on a broad spectrum of crisis situations. The theory of psychological stress and coping on the other hand emphasises coping as an important aspect of dealing with stress that results from the person-environment relationship and its outcomes. It was developed by Lazarus and Folkman (1985) and later extended by Carver and colleagues in 1989. It has since evolved in its application however it remains relevant to explain the phenomenon of stress and the process of coping. The two theories appear the most relevant to this study as witnesses experience a crisis that is managed by means of admission to the witness protection programme. On the other hand, witnesses in the programme need to adjust and cope with the new environment. The crisis theory is useful to assist the researcher in analysing the experiences of witnesses in protection and to gain an in-depth understanding of the level of threat on their lives and how they cope with the possible anxiety and stress that goes with this. In addition, the researcher believes that the crisis theory also provides a framework for officials of the OWP, especially social workers, to help witnesses to manage a crisis situation. The coping theory also provides a foundation to pave the way for the development of practice guidelines for co-ordinated services to witnesses in witness protection programme from a social work perspective in order to address the challenges and gaps based on the findings of this study. The two theories also provide a base for the interpretation of the outcomes of the study.

The challenges of daily life experienced by individuals, such as stress, may result in difficulties to cope and ultimately culminate in a crisis (Lazarus & Folkman 1984). A crisis is defined as an experience that is perceived to be intolerant and exceeds the capacity of a person's coping resources (James 2008:3). It is a situation that cannot be resolved by employing the usual intervention strategies. The failure of a person to manage a crisis may result in feelings of inadequacy, anger, helplessness, exhaustion, anxiety, and difficulty in functioning at an optimal level depending on the extent of the perceived threat (Caplan 1964:40). According to Topper and Lagadec (2013:4), the inability to function, loss of stability and insecurity deepen the level of

a crisis. Witnesses of crime experience a crisis because of the threat on their lives. Montanino (1984:505) adds that by struggling to adjust to their new living conditions, witnesses experience psychological disproportion that aggravates the crisis situation.

A crisis event has phases and levels. Parikh and Morris (2011:369) identify five phases of a crisis and intervention strategies, which the researcher finds to be relevant to the witness protection programme.

During phase one of a crisis, the existence of a problem or a life-threatening situation that cannot be resolved immediately exceeding an individual's coping techniques is identified. The person affected by the crisis may present with symptoms such as decreased cognitive function as well as emotional unrest depending on how they perceive and react to the crisis situation (Dass-Brailsford 2012:94). In the context of witnesses and witness protection programmes, this resembles the stage where the level of threat is identified by both the witness and the police officers. The witnesses' lives are threatened by the perpetrators of crime mostly through intimidation with the aim to discourage them from testifying (Fyfe & McKay 2000:279; Kayuni 2015:428).

The second phase relates to ensuring an individual's safety: this requires the ability to think quickly with creativity (Dass-Brailsford 2012:97). This is because a crisis often happens unexpectedly, leading to feelings of danger and threat. There are no known strategies of dealing with a crisis that is caused by crime except for seeking intervention by the law enforcement officers (Bhasin 2019:1). In the context of witness protection, an application for protection is made either by police officers or by the prosecution team in an attempt to protect the life of a witness. In instances where the level of the threat is very high, a witness might be removed and placed in a temporary accommodation immediately without following due process in terms of the application procedures in order to ensure the safety of the witness and to mitigate the threat (Appleyard 2011:87).

The third phase entails providing support to empower the individual to exercise willingness and capability to confront the crisis towards a resolution. Provision of support is necessary as people who encounter a crisis often experience

disequilibrium that results in their inability to focus and act speedily (Parikh & Morris 2011:369). The researcher associates this phase with the witness assistance programme (Dulume 2016:127; Fery 2012:8; Stanica & Coman 2014:279; UNODC 2008:27) that is provided to witnesses in the programme such as financial support, access to medical care, accessing education and employment opportunities, family contact, counselling and therapy to assist the witness to heal from the crime-induced trauma, adjust and cope in the programme.

The fourth phase has to do with examining alternatives. This stage is possible after an individual has been removed from imminent danger, guided by the significance of creating adaptive reactions (Dass-Brailsford 2012:100). In the context of witness protection programmes, this phase relates to the internal processes of the OWP where a full assessment of the threat level and the psycho-social aspects of the witness is conducted and decisions about the individual protection plan are taken such as where and by whom the witness's protection will be managed and which interventions are required (Bendo 2015:6; Fery 2012:8; Vincent 2016:71).

The last phase is about obtaining commitment. This is necessary to ensure that the individual gains control and autonomy again to re-establish a pre-crisis state of functioning (MacDonald 2016:3). In protection, witnesses are expected to commit to the terms and conditions of the programme. This is done by signing a protection agreement that details the protection programme's terms and conditions (Beqiri 2017:347; Mack 2014:228).

In the context of this study, coping is described as the ability of witnesses to adjust to the new environment and to deal with or manage traumatic experiences (Beune & Giebels 2013:24). The coping theory of Lazarus (1993:235) refers to coping as a process that changes over a period of time depending on the level of a crisis. Lazarus (1993:235) further states that the level of coping has an impact on the ability to adapt to a situation. The relationship between coping and adaptation is relevant to the study in the sense that witnesses need some level of coping mechanisms in order to deal with their life-changing situations in which they find themselves to enable them to adapt and adjust well in the witness protection programme.

Coping varies from one person to another, depending on the level and anticipated duration of the crisis. Lazarus (1993:235) states that the level of coping is determined by the context in which clients find themselves at a given time. Another aspect of coping lies with the efforts and willingness of individuals to do something about their situation.

The purpose of coping is to reduce mental distress and improve psychological functioning (Folkman & Moskowitz 2004:75). People may use more than one coping strategy at a time or change from one strategy to another depending on the level and anticipated length of a crisis (Lazarus 1993:235). Lazarus emphasises the importance of enhancing the relationship between an individual and the environment to improve coping.

According to the UNODC (2008:64), a witness's level of coping has an impact on the ability to adapt to the witness protection programme. The inability to cope is aggravated by a lack of resources to manage the crisis such as optimism, good health, resilience, social skills, problem solving and conflict management skills (Krohne 2002:5; Lazarus & Folkman 1984:163; Walinga 2014:18). Parikh and Morris (2011:369) suggest that reduced levels of functioning as a result of stress and anxiety render an individual's previously applied measures of coping ineffective.

## 2.10 SUMMARY OF THE CHAPTER

This chapter presented a literature overview and the theoretical framework of the study. The importance of witness protection programmes was highlighted and an overview of these programmes focusing on their global, historical and current status was presented. This included countries that have established witness protection programmes such as the USA, Australia, Germany and the UK. This chapter also focused on witness protection programmes in Africa and finally took a closer look at South Africa and the statistics of witnesses in protection from the beginning of the OWP.

The presentation also covered the legislation that supports the protection of witnesses locally and internationally. The general principles of witness protection

programmes were discussed, including the requirements for admission. The discussion also focused on the process involved in the protection of witnesses from recruitment to discharge and aftercare. The alternative methods of the protection of witnesses were discussed. Other aspects covered in this chapter were the impact of witness protection on the witness and his/her family, the effectiveness of protection programmes and the risk to the community when witnesses are resettled, considering that some witnesses are criminals. The difference between relocation and resettlement was described as they are often used interchangeably in the field of witness protection. Moreover, the presentation zoomed in on the role of psychosocial services in the lives of witnesses who are admitted to the protection programme. The final part of the chapter focused on the theoretical framework upon which the study is based. This study draws from crisis theory and the coping theory that seek to explain the process of witness protection from recruitment of witnesses, admission, management, discharge and resettlement, as well as reintegration and aftercare.

The following chapter will focus on the application of the qualitative research approach as applied during the investigation of this research topic.

## CHAPTER THREE: AN APPLIED DESCRIPTION OF THE QUALITATIVE RESEARCH PROCESS

### 3.1 INTRODUCTION

Chapter One of this thesis provided an overview of the research topic and the research methodology that was chosen for investigation. This chapter begins by providing a justification for the research approach that was applied to investigate the topic of this study. The qualitative research approach was used to realise the goals of this study, namely to gain an in-depth understanding of the experiences and challenges of witnesses in the OWP and to develop guidelines for co-ordinated service delivery to witnesses from a social work perspective. The aim of this chapter is thus to detail how the plan of this study presented in Chapter One was implemented, report on any deviations and provide an audit trail for this study.

This study was conducted from a social work perspective. Social work research is concerned with conducting studies that promote the empowerment of people by influencing policy, service delivery and the general well-being of people (Shaw & Holland 2014:107). Qualitative researchers use methods and approaches that seek to illuminate understanding of the experiences and feelings of the wider population. Qualitative research favours studies that are exploratory and descriptive in nature with the focus on gaining firsthand, in-depth knowledge of a phenomenon in its context (Lietz & Zayas 2010:190; Marshall & Rossman 2016:101; Silverman 2013:125; Yates & Leggett 2016:227).

### 3.2 JUSTIFICATION OF THE APPLIED DESCRIPTION OF THE QUALITATIVE RESEARCH METHODOLOGY

The concept of research methodology as introduced in Chapter One (see section 1.4) refers to the techniques, procedures and rules followed to action the research plan (Babbie & Mouton 2001:647). Kramer-Kile (2012:30) refers to methodology in qualitative research as the “bridge between theory and the method” as well as the motivation for using certain methods. Qualitative research is used to explore areas

of social phenomena through collection, analysis and interpretation of data by observing human behaviour that cannot easily be quantified into numbers (Roshan & Deeptee 2009:1). Human behaviour is largely influenced by the natural setting where it occurs. Qualitative research enables the researcher to study that behaviour within in its real life setting in order to gain a deep understanding of the behaviour (Marshall & Rossman 2016:101). This process helps the researcher to establish understanding of the meaning that participants give to their daily lives, their thoughts, views, perceptions, attitudes and feelings (Merriam & Tisdell 2016:15). In order to achieve this understanding, the qualitative research approach was adopted for this study. The emergent nature of qualitative research enabled the researcher to modify the research plan as the study unfolded (Maxwell 2013:30). The strength of qualitative research is thus demonstrated in studies that are exploratory, descriptive and contextual, with the focus on participants' viewpoints.

The idea of providing an audit trail in qualitative research can be traced back to the work of Lincoln and Guba (1985:318), it seeks to provide a third party with a tool to audit the processes of research and be able to confirm the findings. An audit trail is a comprehensive strategy for establishing trustworthiness and quality in qualitative studies, involving amongst other things, determining and confirming that the findings of the study are based on the responses of participants and not the researcher's own views and bias (Carcary 2009:11; Lietz & Zayas 2010:196). The study is trustworthy if the reader or the auditor is able to follow the events, actions, research decisions, influences and thoughts of the researcher throughout the study (Wahyuni 2012:78). This includes choices in the selection of methodology, theoretical framework and strategies of data analysis (Cutcliffe & McKenna 2004:3). Based on the audit trail, the reader is able to determine whether the research findings can be relied on or not. An audit trail can be accomplished by maintaining a research journal and field memos that document all research activities. According to Carcary (2009:16), there are two types of audit trails, namely a physical trail and an intellectual trail. A physical trail is a form of documenting the research processes while the intellectual trail has to do with assisting the researcher to reflect on how his/her thinking evolved throughout the study.

This chapter is thus devoted to illustrating how the research methodology was applied with the aim of providing the reader with an audit trail for this study.

### 3.3 THE NATURE OF THE QUALITATIVE RESEARCH APPROACH

Qualitative research is an umbrella term for studies that are ethnographic, naturalistic, field research, participant observation studies that seek to describe a social phenomenon in its natural settings (Hennink et al 2011:9; Tisdell 2016:15). A qualitative approach is preferred when the researcher is interested to answer the “how” or “why” question about a phenomenon (Yates & Leggett 2016:227). Qualitative study is based on the social constructivist approach. It entails exploring the social world by collecting data in a natural setting without applying previously standardised methods (Mason 2009:24). Babbie (2010:247) holds that qualitative research is more concerned with exploring and understanding the meaning that individuals ascribe to their everyday life. Fawcett and Pocket (2015:54), as well as Silverman (2013:132), share a similar view that qualitative research has to do with understanding social events in natural environments outside controlled settings. Qualitative researchers focus on what people think and how they behave in specific social environments (Chambliss & Schutt 2013:178). According to Creswell (2014:4), the aim is often to gain an in-depth understanding of the meaning that participants give to their everyday lives.

Based on the description provided above on what qualitative research is and how it works, the researcher decided to choose qualitative research as the suitable approach to investigate the topic of this study. Qualitative research fits this study in that it seeks to explore and describe topics, which are not well known. This study aims to explore and describe the experiences of witnesses in the OWP. As indicated in Chapter One, there is a dearth of literature when it comes to this topic, especially within the South African context. This is mostly because of the covert nature of the witness protection programme and that there seems to be lack of awareness of the existence of the programme amongst communities. Another motivating factor for selecting this approach was that qualitative research is utilised in studies that are delicate, sensitive and rooted in the knowledge and understanding of participants as well as topics that are less understood (Ritchie & Lewis 2005:32).

The key factors for using the qualitative research approach are given below:

- **Studies that are sensitive in nature**

Qualitative research is sensitive in the sense that it focuses on human situations through dialogue with participants (Carcary 2009:12). According to Creswell (2016:7), qualitative research empowers participants by affording them an opportunity to voice their stories that often remain untold. This study is sensitive in that the operations of the OWP are covert, the target population being witnesses who are already compromised by experiencing crime-induced trauma, by being separated from their family and social networks as well as living a life of secrecy.

- **Studies that are rooted in knowledge and understanding of participants**

Qualitative research is suitable because the witnesses share their own living experiences in witness protection. In other words, they are experts in this topic as no-one else could better reflect on the life of a witness under protection but themselves (Guest, Namey & Mitchell 2013:153).

- **Topics that are not well understood**

Qualitative studies seek to gain an in-depth understanding of the topics that are not well understood by analysing and uncovering thoughts, opinions and experiences of participants (Marshall & Rossman 2016:100). Witness protection in South Africa is not well known because of a lack of research and awareness about the existence of the programme. The little information available on this topic is based on the American Federal Security Witness Protection Programme. This lack of information and reliance on international protection programmes cause challenges, as there are fundamental differences between the South African programme and the American model of protection. Some studies available on witness protection are based on the analysis of theory and interviews with stakeholders such as police officers but not with witnesses. By applying qualitative research in this study, the researcher was able to achieve deep understanding of the South African witness protection programme by exploring and describing the experiences, challenges and coping strategies of witness (Morrow 2007:211).

The researcher was further convinced that qualitative research is a good fit for this study by its inherent characteristics as introduced in Chapter One. The section below gives an account of the relevance of these characteristics and how they were applied in investigating the topic of this study.

- **Qualitative research is naturalistic**

The naturalistic approach of qualitative research refers to the process of analysing social actions in their natural setting by interpreting the meaning that people attribute to their lives, without predetermined theories and frameworks (Lietz & Zayas 2010:189; Tracy 2013:29; Wahyuni 2012:72). According to Silverman (2013:132), the natural setting is used as a source of data collection where a social phenomenon is studied in its natural setting without manipulating the environment. The researcher is able to study the behaviour of participants, as it occurs in order to understand the norm without reducing it to “particularity” or manipulating the context (Shaw & Holland 2014:5). As planned in Chapter One, the researcher conducted interviews in a natural environment. Interviews of witnesses took place in their safe houses while protectors, social workers and senior managers were interviewed in their offices. This allowed the participants to respond to questions freely without fear of intimidation. Face-to-face semi-structured interviews with an interview guide were used. The researcher was able to ask clarity-seeking questions as well as biographical and open-ended questions in order to gain insight into the lives, experiences, challenges and meaning that witnesses give to their everyday life in witness protection programme (Yates & Leggett 2016:226).

- **The qualitative researcher is a human instrument in data collection**

The researcher is considered to be a human instrument of data collection being able to personally and directly interact with participants in order to collect data (Shaw & Holland 2014: 6; Tracy 2013:11). The researcher remains actively involved with participants through unique attributes such as dialogue, attentive listening, probing and observation in order to gain the “depth and breadth” of the topic being studied (Carcary 2009:12; Shaw & Holland 2014:124). Marshall and Rossman (2016:124) posit that the success of qualitative studies depends on the interpersonal skills of the researcher such as building a relationship of

trust with participants and observing ethical issues. Evidence is not “fixed and given”. Rather, the researcher plays a central role in collecting, analysing and interpreting data (Mengxuan & Gail 2012:1). The researcher collects data through observations, interviews, and the use of a journal through a process of “deep attentiveness and understanding” rather than through questionnaires and inventories (Shaw & Holland 2014:6). This means the researcher also remains aware of his/her own thoughts and background as the study unfolds.

In heeding the call of these scholars to be a good human instrument, the researcher personally planned the study by way of a research proposal, which detailed the plan for the proposed study followed by the collection and analysis of data. During data collection, the researcher started by establishing a relationship of trust and ensured that the participants were comfortable and free to share their stories. Data was collected by means of asking open-ended questions, clarity-seeking questions and further probing to ensure that participants shared rich data. The researcher also applied observation and took notes to ensure that all information and events of the interview were captured. Throughout the engagement with participants and with the data collection, the researcher maintained reflexivity to ensure awareness of her own stance in relation to the study and to avoid contamination of the data collected. This was important as the researcher is also employed at the OWP. The researcher further solicited the services of an independent coder who is a retired doctor in social work with many years of teaching and conducting social research. This was for purposes of conformity in order to ensure that the outcomes of the study are a true reflection of the data (Creswell 2009:192; Padgett 2008:181). Coding was followed by a consensus discussion between the independent coder and the researcher, facilitated by the supervisor. The aim of this discussion was to compare and consolidate the themes deduced from the process of data analysis.

- **Qualitative research is predominantly inductive**

Qualitative research is inductive rather than deductive in nature, as it seeks to understand experiences of participants within their context without manipulating the environment (Creswell 2014:185; Lietz & Zayas 2010:190).

According to Tracy (2013:22) and Silverman (2013:326), an inductive approach begins with observation of interactions and conceptualisation of general patterns towards making conclusions and building theory. Creswell (2014:185) also refers to inductive methods as a 'bottom up' approach where data is organised into abstract units as the study unfolds. Once data is collected, the researcher looks for relationships among categories and patterns (Tracy 2013:27).

The researcher was able to develop themes after collecting and analysing the data to gain an understanding of the meaning that witnesses give to their everyday lives in the OWP (Merriam & Tisdell 2016:170). The researcher deliberately asked participants to suggest what in their view would contribute towards service delivery improvement in the programme. This process enabled the researcher to proffer guidelines for co-ordinated social work service delivery for witnesses in the OWP. By starting with interviews first, the researcher applied a bottom-up approach which is an important principle of qualitative research (Creswell & Poth 2018:63).

- **Qualitative research is holistic**

Qualitative research depends on the assimilation of data such as observational notes, transcripts and interviews, appropriate to be used when determining experiences, opinions or relationships amongst people (Gray 2009:177; Yates & Leggett 2016:225). Tracy (2013:26) states that qualitative approach is holistic in that it captures participants' tendency to piece together various aspects of their social life into an integrated whole. Denzin and Lincoln (2011:3) argue that qualitative research is interactive, consisting of interconnected activities, theory, methods and analysis.

To ensure that the topic of the study was investigated as a whole, the researcher constructed interview questions that covered the experiences of witnesses, challenges, and coping mechanisms and further zoomed into their suggestions on how to improve co-ordinated service delivery. Initially, the researcher had intended to interview the witnesses only. However, as the study progressed it emerged that it was necessary to interview protectors and

social workers as well to get rich data and to achieve a holistic approach. The senior managers were also added to the population group at a later stage.

- **Qualitative research is descriptive**

The focus of descriptive research is on 'how' or 'why' a phenomenon is happening with the aim of describing its characteristics (Bless et al 2013:61; Nassaji 2015:129). The descriptive nature of qualitative research is concerned with how the world functions and furthermore suggests how the world should ideally function (Wahyuni 2012:73). In this study, the researcher was interested to gain understanding of the experiences and challenges of witnesses in OWP and to develop guidelines on how best to improve co-ordinated service delivery to witnesses. Qualitative research incorporates expressive language and the "presence of voice" of participants by revealing what is typically concealed (Shaw & Holland 2014:6). Rich descriptions help the reader to understand the context of the study in detail and at the same time enable the researcher to record "words and sentences" through the use of interviews, where reality is interpreted from the participants' frame of reference (Bless et al 2013:58).

The researcher decided to first explore the challenges and experiences of witnesses, their coping strategies and suggestions on service delivery improvement. The explorative process provided the researcher with sufficient data to be able to describe the challenges and experiences of witnesses in protection and to be able to develop guidelines for co-ordinated service delivery to witnesses in South Africa, from the perspective of social workers. The description of the experiences, challenges and coping strategies of witnesses is presented in Chapter Four of this study.

- **Qualitative research is emergent in nature**

According to Creswell (2014:186), the researcher responds to what is discovered and learned in the field instead of planning the study details. Mathani (2004:58) states that qualitative research is concerned with understanding phenomena from the vantage point of participants through observations, interviews and engagements with participants and their

environment. According to Kalof et al (2008:80), qualitative research is emergent in that data collection and analysis is adjusted as data emerges and participants give an account of their perspective and experiences.

The flexibility and emergent nature of qualitative research enabled the researcher to modify the research plan during the stage of data collection (Flick 2007:79). During data collection the researcher realised the importance of including another population group to the study. The fourth population group added to the study were senior managers. The reason for this was firstly because of the limited number of social workers in the OWP. There are only four social workers who are responsible for rendering psycho-social services nationwide. This number includes the researcher as the fourth social worker. Another reason was that data already collected pointed to concerns about fragmentation of services, challenges emanating from policies and lack of monitoring and support as some of the challenges that impact delivery of services to witnesses. Senior managers are responsible for policy development and to ensure compliance through monitoring and evaluation. Including senior managers in the population assisted the researcher to obtain an in-depth understanding of the state of affairs in relation to the causes of the challenges experienced by witnesses in OWP. The decision to modify the study by adding another population group was taken in consultation with the study supervisor. Maxwell (2013: 30) and Babbie (2014:334) indicating that the researcher may modify the research design during the process of data collection, support this approach. This addition of another population group resulted in the development of one more interview guide and a criteria of inclusion for the senior managers.

- **Qualitative research focuses on the participants' life experiences**

Qualitative researchers focus on outlining the meaning that participants attribute to their day-to-day lives as a result of interacting with their social world (Bless et al 2013:17; Flick 2007:12). Qualitative research is embedded in the principle of producing findings that reflect views, feelings and perspectives of participants (Boeije 2010:32). The tradition of qualitative research is

concerned with how people “produce social reality” through their daily interactions (Shaw & Holland 2014:4)

The researcher’s interest in conducting this study was to discover the meaning that witnesses attach to their experiences and challenges in the OWP. Furthermore, the researcher was also interested to investigate the meaning protectors, social workers and senior managers attach to their lives in relation to the experiences and challenges of witnesses in the protection programme.

- **Qualitative research is fundamentally subjective**

Qualitative studies enable the researcher to gain subjective understanding of the phenomenon being studied by interacting with participants within their natural environment (Marshall & Rossman 2016:106). In qualitative studies, data is subjective, which means that the views and opinions of participants are subject to various and multiple forms of interpretation (Gray 2009:187). According to Schutt (2012:282), qualitative research generates rich theory through observations that cannot easily be reduced to numbers. Qualitative research produces valid, detailed and non-numerical data that contributes to the in-depth understanding of a situation (Shaw & Holland 2014:5).

During the interviews with participants, the researcher was able to gain first-hand experience of how witnesses are impacted by their participation in the protection programme such as isolation, social uprooting and the nature of their safe houses.

- **Qualitative research is exploratory in nature**

Exploratory research is conducted when little is known about the topic under investigation (Bless et al 2013:60). Exploratory studies help the researcher gain insight into the phenomena being studied by uncovering trends through analysis of thoughts and views of participants within their natural setting (Marshall & Rossman 2016:101). The focus is on research topics that are not well researched and about which very little is known. Qualitative researchers approach the field carefully with an open mind in order to dispel

misconceptions and to pave a way for future research (Babbie 2010:19; Neuman 2012:16).

In this study, the researcher made use of semi-structured interviews within the participants' natural environments to allow them freedom to express themselves and provide much rich data during data collection. The use of open-ended questions assisted the researcher to facilitate the discussions and to guide participants to share their stories. This process assisted the researcher to explore the experiences and challenges of witnesses in protection.

- **The report in a qualitative study is written in a flexible manner**

The flexible, non-prescriptive and non-linear nature of qualitative research enables the researcher to present the research report in a format that is suitable (Lichtman 2014:45). According to Creswell (2014:205), the researcher is enabled to write in an informal and less technical manner, such as writing by referring to themselves as the researcher or in the first person. The researcher opted to write in the third person. Tracy (2013:252) states that this style of writing enables the researcher to elect to be absent in favour of a more objective sounding voice in the research report.

Based on the characteristics discussed above, the researcher came to the conclusion that a qualitative approach was the most suitable approach for this study as it aims to analyse information conveyed through language and in natural settings (Shaw & Holland 2014:5). Creswell (2014:20) states that the qualitative approach is suitable for studies where a research problem emanates from a gap in literature. In this study, the researcher has established a lack of documented research relating to experiences and challenges of witnesses in the OWP as discussed in Chapter One. Creswell (2014:20) also refers to the suitability of qualitative research in relation to the personal experiences of the researcher. In this regard, the researcher gained a broad knowledge and experience in qualitative research during her master's studies where a qualitative approach was applied. The research design for this study is presented in the next section.

## 3.4 APPLICATION OF THE RESEARCH DESIGN

The concept of a research design was introduced and defined in detail in Chapter One of this study (see section 1.4.2). Research design is a “logical blueprint”, a scientific plan followed by a researcher when planning a research study to ensure that the outcomes of the study answer the research question (Blaikie 2010:15; Creswell 2009:3; Sekaran & Bougie 2013:95; Yin 2011:75). The strength and esteem of qualitative research are established in studies that are exploratory, descriptive, explanatory and contextual (Marshall & Rossman 2016:101; Yates & Leggett 2016:227). In this study, the researcher employed the collective instrumental case study design within the framework of exploratory, descriptive and contextual research (Silverman 2013:143). The application of the research designs and their relevance to the study are presented in the next section.

### 3.4.1 The collective instrumental case study research design

Case studies are popular methods of research that favour intensity and depth, intended to interrogate social phenomena within boundaries of a specific case or cases with the same characteristics (Babbie 2014:318; Creswell 2007:248; Marshall & Rossman 2016:19). Yin (2014:541) makes the distinction between a single and multiple case study. A single case study is used when one case is being studied while multiple case studies focus on two or more cases with data collected from different groups of people in different locations. The advantage of a multiple case study is that the credibility of the study is strengthened if data collected from one case is replicated in further cases (Creswell 2007:246; Shaw & Holland 2014: 89; Wahyuni 2012:72).

The collective instrumental case study is also known as the multiple case study for its ability to investigate a social phenomenon from more than one perspective in order to enable comparison between variables and obtain an all-inclusive understanding of the phenomenon being studied (Silverman 2013:143; Thomas 2016:172; Yin 2003:14). This includes the use of multiple data collection methods and analysis without the use of numerical methods (Wahyuni 2012:73). Baxter and Jack (2010:550) advise researchers who are interested to gain deep insight and understanding of the real life of a phenomenon within its natural context to use an

instrumental case study and a collective case study, especially where more than one case is being studied. In the context of this study, the collective instrumental case study was suitable as it enabled the researcher to explore and describe the experiences of witnesses in the OWP through semi-structured interviews with witnesses, protectors, social workers senior managers. The views of witnesses were corroborated by those of staff members. The interviews focused on the experiences, challenges, coping mechanisms of witnesses and suggestions for service delivery improvement by the OWP.

The collective instrumental case study was thus used to gain insight into the lives of witnesses as well as to obtain information that enabled the researcher to develop guidelines for co-ordinated service delivery for witnesses in South Africa from a social work perspective (Creswell & Poth 2017:99; Thomas 2016:172; Yin 2003:13).

#### 3.4.2 Exploratory, descriptive and contextual research design

One of the objectives of this study was to explore the experiences and challenges of witnesses in witness protection in South Africa as stated in Chapter One. The reason for this was that there is little knowledge documented on witness protection in South Africa and in Africa. Few articles on the experiences and challenges of witnesses could be found during the review of literature. The area of witness protection has not been well examined by researchers because of the secret nature of the programme. Most of the research available does not reflect first-hand information on the personal experiences of witnesses.

An exploratory study is conducted when little is known about a phenomenon with the aim of research being to gain a sound understanding of the social phenomenon (Babbie 2010:67; Bless et al 2013:60). The purpose of exploratory research is to establish the “breadth and scope” of the topic of study in order to unearth knowledge and understanding where very little is known about the subject in literature or in practice (Bless et al 2013:57; Grove, Burns & Gray 2013: 370; Marshall & Rossman 2016:78; Sekaran & Bougie 2013:97). Against this background, the researcher found the exploratory design to be applicable for this study.

The researcher decided to adopt a descriptive approach as well, with the aim of giving a full description of the feelings, experiences and challenges of witnesses. This was possible after exploring the views of participants (Polit, Beck & Hungler 2001:460). The descriptive nature of qualitative research seeks to reveal the concepts and complex patterns of relationships between the concepts observed, to disclose details of the phenomenon and to describe why things happen the way they do (Marshall & Rossman 2016:19; Mathani 2004:57). Barbour (2000:156), Bless et al (2013:390) and Wahyuni (2012:73) assert that the aim of the outcome of exploratory study is to describe what was learned during the exploratory process.

The descriptive nature of the study enabled the researcher to comprehensively describe in detail the accounts expressed by witnesses. The aim of applying more than one method of research design was to be able to provide a full picture of the experiences, challenges and coping strategies of witnesses in the OWP.

Qualitative research lacks meaning if the phenomenon under study is removed from its context (Marshall & Rossman 2016:3; Shaw & Holland 2014:16). This is because in qualitative studies the context within which the study takes place and how people experience their environment and attach meaning to it has to be understood as well (Creswell, Hanson, Clark & Morales 2007:245; Lichtman 2014:127). By describing the context and the background, researchers are able to practically understand the nature of the lives of people being studied, and how the environment influences their experiences and behaviour. (Hennink et al 2011:289; Neuman 2012:93; Tracy 2013:4). Qualitative researchers are cautioned not to separate people from the context of their environments when conducting research (Neuman 2012:92). The contextual framework in qualitative research involves the physical environment, methodological, theoretical, socio-cultural, historical, political and religious context of the study sample (Fawcett & Pocket 2015:55; Hennink et al 2011:288; Shaw & Holland 2014:17).

In this study, the researcher focused on the personal, historical, theoretical and methodological context to explore and gain understanding of the experiences and challenges of witnesses in the OWP. In terms of the historic context the researcher looked at the origin and evolution of the protection of witnesses in South Africa and

globally, as discussed in Chapter Two (see section 2.3.1). The researcher also focused on the personal context in terms of the circumstances of witnesses such as family relationships, health issues, employment etc. to understand the meaning that witnesses ascribe to their environment in witness protection. In terms of the theoretical context, the researcher gave a full account of the crisis theory and the coping theory from which the study draws (Caplan 1994; James 2008; Lazarus 1993; Parick & Morris 2011). The theoretical framework as presented in Chapter Two assisted the researcher to understand, describe and interpret the findings of the study in relation to the challenges, experiences and coping mechanisms of witnesses in the programme (Hennink et al 2011:288; Kramer-Kile 2012:29; Neuman 2012:26). Theories also provide a framework on how to analyse reality (Silverman 2013:105). Finally, the methodological context focused on the entire process of the research such as where and when the interviews were conducted and which methods of data collection and analysis were employed. This chapter presents the processes that were followed from the beginning to the end. The interviews with witnesses were conducted in their safe houses to establish the influence of the environment on their experiences and behaviour while staff members were interviewed in their offices (Hennink et al 2011:288). The following section provides an account of the research methods that were used in this study.

## 3.5 APPLICATION OF THE RESEARCH METHODS

The concept of research methods was introduced and described in Chapter One as the practical activities of conducting research such as the population, sampling and sampling techniques (Kramer-Kile 2012:27; Payne & Turner 2008:336; Wahyuni 2012:72). An account of how the planned research methods were implemented is presented below. Any deviations from the initial plan is explained and justified.

### 3.5.1 Population

Population in the context of research refers to the entire group, usually people, about whom researchers want to study (Sekaran & Bougie 2013:240; Whittaker 2012:75). Neuman (2011:242), as well as Grove et al (2013:351) add that population is a particularly large group of many cases with specific characteristics from which the

researcher draws a sample. A population of the study involves a large group of people in the same geographical area whose features reflect the phenomenon being studied (Potter 2002:47; Williams 2015:126).

Initially, the researcher identified three population categories for this study, namely:

- The witnesses throughout South Africa admitted to the programme at the time of collecting data;
- The protectors employed by the OWP who are responsible for the day-to-day protection of witnesses; and
- The social workers in the employ of the OWP who are responsible for rendering psycho-social services to witnesses.

The researcher decided to expand the boundaries of the population during data collection by adding the senior managers at the OWP who are responsible for leadership, policy development and co-ordination of services rendered to witnesses (Hennink et al 2011:85). This approach is supported by Marshall and Rossman (2016:100) who state that the flexibility of the research approach enables the researcher to change and adjust the implementation of the research plan during data collection. This enabled the researcher to gain a more holistic perspective and better insight into the causes of some of the challenges faced by witnesses in protection.

At the time of conducting the study, the national statistics for the four categories of the population groups were as follows (NPA Annual Report 2018/19; OWP Organisational Structure 2014):

The number of witnesses: 389

The number of protectors: 79

The number of social workers: four

The number of senior managers: three

As noted in Chapter One, this study sought to gain an in-depth understanding of the experiences and challenges of witnesses in the OWP. This study was, however, limited to six provinces namely Eastern Cape, Gauteng, KZN, Limpopo, Mpumalanga and Northern Cape. The reason for not including all nine provinces

was because of the cost factor and for ease of access from the researcher's home in Gauteng to the six provinces mentioned above. The researcher is of the view that having sampled six provinces did not pose any disadvantages because the OWP is a national model meaning all provinces operate in a similar manner.

### 3.5.2 Sampling

Researchers (Babbie 2014:119; Marshall & Rossman 2016:10; Thomas 2016:141; Tracy 2013:134) state that because the population is generally large, it is difficult for researchers to study the entire population intensively, in-depth and produce findings without selecting a sample based on which the outcomes of the study can be generalised (Babbie 2014:119; Thomas 2016: 141). A sample is a subset or subgroup of the population to be included in the study (Hennink et al 2011:84; Neuman 2011:219; Whittaker 2012:3).

Qualitative researchers are inclined to use non-probability sampling in which members of the population do not necessarily have an equal chance of being selected (Whittaker 2012:75). The researcher selects cases or people who are knowledgeable about the topic of study (Carey 2013:46). Neuman (2012:147) also states that non-probability sampling is relevant in studies where little is known about the topic under investigation. Non-probability sampling and purposive sampling fit well with qualitative research (Chambliss & Schutt 2013:97; Creswell & Poth 2017:158; Koerber & McMichael 2008:459). Purposive sampling is one type of non-probability sampling that is suitable for the study of homogenous populations and it is considered to be cost-effective and faster (Babbie 2014:334; Bless et al 2013:165; Tansey 2007:14). Qualitative researchers are inclined to use purposive sampling where participants who illustrate features of the topic of study and who are competent to share the required information, are selected (Padgett 2008:53). The researcher selects participants who will be able to provide rich information based on the purpose and questions of the study (Creswell 2007:247; Koerber & McMichael 2008:468; Neuman 2012:149; Shaw & Holland 2014:87; Wahyuni 2012:73; Wu, Thompson, Arolan, McQuaid & Deatrck 2016:498). Purposive sampling is mostly used in exploratory studies or in field research with participants who, in the researcher's judgement, are likely to provide rich information that is useful in answering the research question (Koerber & McMichael 2008:459; Tongco

2007:147; Wahyuni 2012:73). In purposive sampling the emphasis is on the inclusion of units or participants who represent various views and perspectives of the population (Koerber & McMichael 2008:464).

The flexibility and openness of purposeful sampling enabled the researcher to deliberately handpick participants who were suitable to provide rich data in terms of the experiences and challenges of witnesses in the OWP (Carey 2012:39; Creswell 2016:109; Flick 2007:27). The researcher personally selected staff members who participated in the study while witnesses were selected with the assistance of gatekeepers. The researcher decided on the following criteria for inclusion in order to select and sample suitable participants who would provide rich data representative of the population (Marshall & Rossman 2016:113; Silverman 2013:146; Wahyuni 2012:73).

#### Inclusion criteria for witnesses:

- Witnesses who were admitted to the OWP at the time of data collection;
- Witnesses able and willing to take part in the study as participation is voluntary;
- Witnesses who had been on the programme for three years and longer: the reason for this criterion being that newly-admitted witnesses might have insufficient experience of the programme;
- Male and female witnesses of all racial groups;
- Witnesses able to converse in English;
- Witnesses protected in six provinces, namely Mpumalanga, Gauteng, Limpopo, KZN, Eastern Cape and Northern Cape: the reason being to facilitate access and reduce travelling cost (OWP is a national programme with the same operating model in all provinces); and
- Witnesses with whom the researcher had not worked with in her line of duty: the reason being to ensure that the information provided by the participants would not be influenced by an existing work-related relationship with the researcher

#### Inclusion criteria for protectors

- Protectors in the employ of OWP

- Protectors able and willing to take part in the study as participation was voluntary;
- Protectors who had been employed by the OWP for a period of five years and longer: the reason being that newly employed protectors might not have enough knowledge of the programme;
- Male and female protectors of all racial groups;
- Protectors able to converse in English;
- Protectors deployed in six provinces, namely Mpumalanga, Gauteng, Limpopo, KZN, Eastern Cape and Northern Cape: the reason being to facilitate access and reduce travelling cost (the OWP is a national programme with the same operating model in all provinces).

#### Inclusion criteria for social workers

- All social workers in the employ of OWP: the reason being that there are only four social workers nationally including the researcher who is the fourth social worker thus three social workers participated in the study.
- Social workers able and willing to take part in the study as participation was voluntary.
- Social workers able to converse in English
- Male and females social workers of all racial groups
- Social workers in the employ of the OWP for five years or longer

#### Inclusion criteria for the senior managers

- All senior managers in the employ of the OWP: the reason being that the OWP only has three senior managers at head office;
- Senior managers able and willing to take part in the study as participation was voluntary;
- Senior managers employed by the OWP for five years and more
- Male and female senior managers of all racial groups;
- Senior managers able to converse in English.

The size of the sample in qualitative studies is not determined by the numbers but by the quality of the data collected (Carey 2012:41). Koerber and McMichael

(2008:467) and Grove et al (2013:371) refer to this as data saturation. Data saturation is reached when data collected seems to be a repetition without any new data coming forth (Hennink et al 2011:88; O'Reilly & Parker 2012:192; Shaw & Holland 2014:87). Koerber and McMichael (2008:469) confirm that data saturation has to do with 'informational redundancy' which means that all possible variations of the topic of the study have been covered and participants are providing the same information repeatedly. The researcher thus did not decide on the size of the sample. Rather, it was determined through data saturation. In this study, data saturation was reached after a total of 30 participants were interviewed. That is 12 witnesses, 12 protectors, three social workers and three senior managers.

### 3.6 COLLECTION OF DATA

Data collection, according to De Vos et al (2011:359), is the process of gathering information through analysis of primary and secondary sources with a view to answer the research questions. Primary sources refer to information obtained from the participants while secondary sources have to do with information gained from publicly available data such as books, reports and articles relevant to the topic of the study (Creswell 2007:24; Tracy 2013:83; Wahyuni 2012:73). Researchers undertake content analysis for purposes of establishing a reference point to provide background of the phenomenon under examination as well as to ensure an in-depth gathering of data (Marshall & Rossman 2016:164).

Qualitative research interviews are known to be collaborative, in-depth, semi-structured, guided and open-ended in nature, enabling the researcher to collect rich data about the phenomenon under study (Shaw & Holland 2014:122). In this study, the researcher made use of face-to-face semi-structured interviews and observations to collect primary data as well as an analysis of literature on the topic of witness protection programmes as part of collecting data from secondary sources. Tracy (2013:139) asserts that semi-structured interviews are able to provoke both content and emotions. Most of the books and articles consulted were acquired from the UNISA library with the assistance of the library subject expert.

### 3.6.1 Gaining access to participants and preparation for data collection

The first step in preparation for data collection is to acquire permission from all stakeholders involved in the research study (Marshall & Rossman 2016:107; Tracy 2013:75). Prior to embarking on the study, the researcher obtained approval from the Departmental Research and Ethics Committee (DR&EC) of the Department of Social Work at UNISA after submission of a research proposal (See Addendum F). Further, the researcher also acquired permission from the Head of the OWP, the National Director, to conduct the research in the respective regions of the OWP. This was done through a formal letter sent through email communication (see Addendum E). The permission included access to the safe houses for participants' interviews as well as access to regional offices to interview staff members. The letter detailed the objectives of the study and how the outcomes of the proposed study would benefit the OWP (Marshall & Rossman 2016:107). One of the benefits was the development of guidelines towards co-ordinated service delivery for witnesses. It was important to establish the feasibility of the study owing to the security classification of the programme.

Tracy (2013:78) asserts that the fact that the researcher has obtained permission from authorities to conduct the study does not necessarily mean that possible participants and gatekeepers want to take part in the research. Bless et al (2013:35) emphasise the importance of obtaining permission from the gatekeepers and participants as well. In complying with this principle, the researcher also contacted the respective regional heads of the OWP in the six provinces through a telephone call followed by an email. The intention was to introduce the study, make them aware that the National Director had approved the research study and to request them to act as gatekeepers in this study project. Bell, Fahmy and Gordon (2016:196) emphasise the importance of establishing rapport with gatekeepers prior to initiating the study. The regional heads were also requested to assist in identifying potential participants (witnesses) in line with the criteria for inclusion (King & Horrocks 2010:31; Rossman & Rallis 2012:161). Gatekeepers in research are individuals with formal authority who assist the researcher by facilitating access to participants. Four of the regional leaders immediately indicated interest to act as gatekeepers and to assist with the study. Two of the regional leaders requested clarity and to receive a

copy of the permission granted by the National Director, after which they also declared their support to act as gatekeepers.

The researcher also shared the interview guide and the proposed questions with the regional leaders. The purpose of this was to ensure openness and to allay any misconceptions about the study that might exist. The regional leaders were made aware that the interview schedule was merely a guide to facilitate the interview and that the formulated questions were not going to be used rigidly. The regional managers further identified staff members who would be responsible for leading the researcher to the safe houses. They also assisted in filtering the message about the research to all staff in preparation for identifying protectors who met the criteria for inclusion. After these processes were completed, the researcher again contacted the regional leaders by means of email to determine suitable dates when the interviews would take place. Each region suggested suitable dates in accordance with the availability of protectors, most of whom are often engaged in fieldwork away from the office for weeks. Some of the dates had to be postponed because of unforeseen regional emergencies and priorities but eventually the researcher was able to conduct interviews in all six identified regions as planned.

In terms of the protectors, social workers and senior managers the researcher contacted them telephonically to introduce the study and to ask their permission to participate in the study. Lloyd et al (2007:68) emphasise the importance of establishing rapport with potential participants to pave the way for the study. Some of the aspects that were discussed during the telephone contact were the time and date of the interview, venue and duration as well as possible questions. The issue of digitally recording the interviews was introduced in the initial telephone contact and reference was made to written informed consent. This was followed by email communication that contained a letter of invitation (see Addendum A) to participate in the study as well as copies of the written consent form for them to peruse. The written consent forms were signed during the interviews (see Addendum B). This afforded the participants sufficient time to make an informed decision about participating in the study. Rossman and Rallis (2017:155) state that in instances where participants are not easily reachable because of distance, written consent may be obtained during data collection.

The invitation letter also contained the contact details of the researcher for potential participants to ask for clarity where required. Participants signed a written consent form, a form that detailed the objectives of the study, the responsibilities of the participant and the researcher, the risk associated with the study, the right of participants to withdraw from the study without any penalty, assurance that the content of the interview will be treated with confidentiality, that the identity of participants will be concealed as well as the right of participants to be afforded counselling if they are traumatised by their participation in the study (Creswell 2016:106; Rossman & Rallies 2012:73; Silverman 2013:162 ). The letter sought to ensure that participants fully understood what the study was about and assist them to make an informed decision about taking part in the research (Mack et al 2011:7; Tracy 2013:80). The important aspect of the written consent is to ensure that participants voluntarily decide to take part in the study with full understanding of the implications (Shaw & Holland 2014:110).

### 3.6.2 Methods of data collection

Data collection is a process of learning, discovering, and gaining understanding of the topic of study by way of listening to the views of participants and observing how they interact with their environment with a view to answer the research question (Creswell 2014:189; De Vos et al 2011:359). Tracy (2013:234) hold the view that data collection in qualitative studies should be transparent and meet the principle of trustworthiness. Marshall and Rossman (2016:195) encourage researchers to choose a method of data collection that will produce good and rich data, which is feasible and cost-effective within the resources available to the researcher. Generally, qualitative researchers employ observation, interviews, focus group discussions and analysis of documents as data collection methods (Fawcett & Pockett 2015: 52; Marshall & Rossman 2016:141; Yates & Leggett 2016:226).

As planned in Chapter One (see sub-section 1.5), the researcher made use of semi-structured individual face to face interviews with a guide to collect data from participants (Marshall & Rossman 2016:147). Four sets of interview guides were developed for the four population groups (see Addendum D). In the context of research, an interview is a conversation between the researcher and the participant

that focuses on the knowledge, attitudes, values and beliefs of participants with a view to produce data for the study (Gray 2009:69; Grove et al 2013:271; Whittaker 2012:37). Interviews are aimed at facilitating a discussion with participants to share their experiences and opinions on a specific topic (Wahyuni 2012:73). The emphasis is on the close personal interaction between the researcher and the participants (Marshall & Rossman 2016:103; Yates & Leggett 2016:225). Carey (2012:109) goes further by stating that individual interviews are a convenient, effective and affordable means of collecting rich data.

The type of interview employed in this study was face-to-face semi-structured interviews with an interview guide facilitated through open-ended questions (Edwards & Holland 2013:29; Silverman 2013:123; Tracy 2013:161). Qualitative research questions are aimed at guiding the discussion and not dictating (Tracy 2013:100). According to Wahyuni (2012:74), the interview guide serves to ensure that the interview focuses on predetermined themes while at the same time allowing the participants freedom to express their perspectives. Shaw and Holland (2014:25) state that sensitive studies cannot easily be explored by means of asking single, direct questions. The researcher used open-ended questions during face-to-face interviews.

This method of data collection enables the participants to share information from their first-hand personal experiences (Edwards & Holland 2013:30). Face-to face-engagement with witnesses allowed the researcher to explore the experiences and challenges of witnesses in the OWP. Lewis and Nicholls (2013:56) confirm that face-to-face interviews are suited for investigating sensitive, experiences and complex topics. The researcher, as an active instrument of research, applied attentive listening skills while taking notes at the same time (Rossman & Rallis 2012:169). Semi- structured interviews according to Tracy (2013:139) and Bless et al (2013: 194) are not standardised and allow the researcher to ask clarifying questions while participants are able to expand freely on the topic of the study. The purpose of probing and asking open-ended follow up questions was to ensure that the research explores and obtains rich data, seeks clarity and understanding of the experiences and challenges of witnesses (Marshall & Rossman 2016:150; Tracy 2013:151; Wahyuni 2012:74). The researcher conducted all interviews in English.

Prior to starting the interview, the researcher asked permission from the participants to digitally record the discussion. At the beginning of each interview, the researcher started by briefly explaining the purpose of the study and reiterating the aspects of confidentiality and anonymity as emphasised by Wahyuni (2012:74). The length of each interview was limited to a maximum of one hour and thirty minutes. The digital recording of interviews served to assist the researcher to pay more attention to the participants. It also ensured that the researcher was able to capture every word uttered, prevented loss of information, and ensured accurate data (Wahyuni 2012:74; Yates & Leggett 2016:226). In order to build a profile of the participants, the researcher started by asking biographical questions such as gender, age, race etc. This was followed by topical questions in the form of open-ended questions in order to facilitate the discussion (Tracy 2013:151). The last part of the interview focused on questions about the suggestions of participants on how best co-ordinated service delivery could be improved in the OWP. At the end of each interview the participants were debriefed in order to ascertain if they required counselling as a result of their participation in the study (Wahyuni 2012:75). The researcher furthermore thanked the participants for taking part in the study and sharing their knowledge.

The interviews with witnesses took place in safe houses in order to ensure the safety and comfort of witnesses, while protectors, social workers and senior managers were interviewed in their offices in the six provinces. The four sets of questions below were used in this study to gain an in-depth understanding of the experiences, challenges and coping mechanisms of witnesses in the OWP.

### **Questions for witnesses**

1. What did you know about the OWP before you were admitted to the programme?
2. Describe the role of the different role players in the OWP as it relates to witnesses in the programme
3. How did your life change when you became part of the OWP?
4. Tell me more about your experiences of being part of the OWP?
5. What challenges do you experience in the OWP?

6. How do you cope with such challenges?
7. How can social workers assist you in coping with your experiences and challenges of being in the programme?
8. How can the OWP help you to reintegrate successfully into the community?
9. What are your suggestions on how the OWP can improve the programme in response to your challenges and for better co-ordinated service delivery?

### **Questions for protectors**

1. What did you know about the OWP prior to being employed by the NPA?
2. Describe the role of the different role players in the OWP as it relates to witnesses in the programme
3. Tell me more about your experiences of being part of the OWP?
4. What challenges do witnesses experience in the OWP?
5. How do they cope with such challenges?
6. What are the reasons why witnesses leave the programme prematurely?
7. How can social workers assist witnesses in coping with their experiences and challenges of being in the programme?
8. How can the OWP help witnesses to reintegrate successfully into the community?
9. What are your suggestions on how the OWP can improve the programme in response to the challenges of witnesses and for better co-ordinated service delivery?

### **Questions for social workers**

1. What did you know about the OWP prior to being employed by the NPA?
2. Describe the role of the different role players in the OWP as it relates to witnesses in the programme
3. Tell me more about your experiences of being part of the OWP?
4. What challenges do witnesses experience in the OWP?
5. How do they cope with such challenges?
6. What are the reasons why witnesses leave the programme prematurely?
7. How can social workers assist witnesses in coping with their experiences and challenges of being in the programme?

8. How can the OWP help witnesses to reintegrate successfully into the community?
9. What are your suggestions on how the OWP can improve the programme in response to the challenges of witnesses and for better co-ordinated service delivery?

### **Questions for senior managers**

1. What did you know about the OWP prior to being employed by the NPA?
2. Describe the role of the different role players in the OWP as it relates to witnesses in the programme
3. Tell me more about your experiences of being part of the OWP?
4. What challenges do witnesses experience in the OWP?
5. How do they cope with such challenges?
6. What are the reasons why witnesses leave the programme prematurely?
7. How can social workers assist witnesses in coping with their experiences and challenges of being in the programme?
8. How can the OWP help witnesses to reintegrate successfully into the community?
9. What are your suggestions on how the OWP can improve the programme in response to the challenges of witnesses and for better co-ordinated service delivery?

During the interviews the researcher applied the following interviewing skills and techniques. **Active listening** required the researcher to maintain a good balance between listening, taking notes and observing, such as nodding of the head and facial gestures that suggested that the researcher was paying attention to what the participant was saying (Babbie 2016:319; Marshall & Rossman 2016:117). Listening also helped the researcher to remember the participants' answers so as not to repeat the same questions. Through active listening, the researcher was able to capture the confidence of the participants. **Observation** is another important aspect of interviewing that the researcher applied during data collection in order to capture the expressions of participants and how they interact with their environment (Marshall & Rossman 2016:103; Tracy 2013:161). Through observation the researcher was able to notice the emotions and behaviour of participants when they

responded to questions. Observation entails being able to notice the body language and mood of participants (Mason 2009:75). Observation enabled the researcher to pick up, for example, when the participant was somewhat tired. Another skill that was applied during data collection was **probing**. As defined by Babbie (2015:276), probing refers to obtaining more information from participants by asking clarifying questions. In instances where respondents gave incomplete answers, the researcher was able to gently rephrase the question in order to elicit more information. One way of probing is silence with a pen poised on paper, with the purpose of signalling to the participant that more information is required (Tracy 2013 162; Yin 2011:26).

After the process of conducting interviews was concluded, the researcher transferred the recorded content from the voice recorder to the computer. Four separate folders were created and the interviews were saved according to the four categories of participants in these folders. The researcher personally transcribed the content of interviews into text as the first step towards data analysis (King & Horrocks 2010:142; Silverman 2013:58). Marshall and Rossman (2016:209) support this approach, as well as Shaw and Holland (2014:215), who state that independent transcribers only rely on listening to the tapes to transcribe data thus they lose the visual clues and meanings of the data, which result in errors, and pose a threat to the credibility of the data. The transcribed content was verified against the digital data to ensure accuracy (Wahyuni 2012:75). Once this process was finalised, the researcher submitted the transcripts to the study supervisor for scrutiny and guidance.

### 3.7 CONDUCTING THE PILOT TEST

Before the actual data collection commenced, it was important for the researcher to conduct a test in the form of a pilot test. Marshall and Rossman (2016:105) are of the view that conducting a pilot helps the researcher to eliminate and deal with barriers such as participants' resistance and mistrust of the researcher's intentions. Testing the questions to be used in the main study helped the researcher to determine whether the intended data would be collectable and whether participants would understand the questions (Wahyuni 2012:74). Although the results of the pilot

test were not included in the main study, the researcher followed the same methodology of individual face-to-face interviews with an interview guide (Kumar 2015:305).

The researcher interviewed two participants for piloting, i.e. one witness and one staff member and the interviews were digitally recorded and later transcribed into text (Lichtman 2014:253; Merriam & Tisdell 2016:131). The two participants were selected on the basis of the inclusion criteria used in the main study. The witness was interviewed in the safe house and the staff member in his office. The transcribed data was shared and discussed with the study supervisor. Feedback from the supervisor was that the researcher did not sufficiently use the opportunity to probe for more information and clarity. After this consultation an agreement was reached to refine the questions to ensure that the questions were well understood by the participants (Yin 2011:37).

The questions that were refined are listed below:

- What challenges do witnesses experience in relation to adjusting to the OWP?
- What other challenges do witnesses experience being part of the OWP?
- How do witnesses who are admitted alone to the programme manage in terms of family relationships?
- How well do witnesses cope with these challenges?

The four questions above were refined to the following two questions;

- What challenges do witnesses experience in OWP?
- How do they cope with such challenges?

### 3.8 ANALYSING DATA

By way of recap, the concept of data analysis as introduced in Chapter One refers to the process of making sense of the information collected by identifying patterns, descriptions and explanations that participants give to their everyday lives (Whittaker 2012:93). Marshall and Rossman (2016:214) refer to the analysis of data as the process of “bringing order, structure and interpretation to a mass of collected

data...” which includes searching for similarities and relationships in the data. Babbie (2015:391) asserts that the analysis of data involves unpacking volumes of data collected without turning them into numbers.

In this study, data was analysed in accordance with the eight steps of qualitative data analysis constructed by Tesch (in Creswell 2009:186). The following process was followed in analysing the data:

- **Reading through all the transcripts to get a sense and overview of the transcribed data**

The researcher started by carefully reading through all the transcripts one by one in order to get a sense of the whole, getting to understand the experiences and challenges of witnesses in the OWP.

- **Establishing the underlying topics**

While reading each of the transcripts of the four population groups, the researcher began to make notes of the underlying meanings and topics in the margin of the document. The same procedure was followed for all scripts.

- **Formulating categories**

After reading a number of scripts the researcher started to formulate themes by listing topics in columns and thereafter grouped similar topics using headings that were representative of the themes.

- **Coding of topics**

The researcher started to do the coding by abbreviating themes while considering making space for new themes and going back to groups of data and continuing with coding.

- **Turning topics into themes**

This step entailed categorising by grouping related themes while also searching for sub-themes and abbreviating again in order to eliminate

duplication. The abbreviations were then placed next to the segments of data that correspond with the topic.

- **Ordering themes alphabetically**

The researcher started the process again, to see if recoding was necessary while arranging themes and sub-themes alphabetically

- **Conducting a preliminary analysis**

The researcher conducted a preliminary analysis by clustering data into different categories while looking at the meaning of data. This was the first time where irrelevant data was left out. Data belonging to the same theme was placed under the relevant theme or sub-theme where applicable, and a preliminary analysis was conducted.

- **Deciding on the need for further recoding**

The researcher went through the themes and sub-themes and decided that recoding was not required, the researcher continued analysing and getting information ready in the form of outcomes of the study that are presented in the following chapter.

The next section will focus on the verification of data through evaluation of the trustworthiness of the research processes and findings.

### 3.9 DATA VERIFICATION TO ENSURE TRUSTWORTHINESS

The concept of trustworthiness was extensively discussed in Chapter One of this study. Qualitative studies are subjected to a process of rigour in order to comply with scientific standards of research (Rubin & Babbie 2013:261; Sarantakos 2013:102). The scientific standards serve to ensure that the outcomes of the study accurately represent the views of participants (Kramer-Kile 2012:30; Marshall & Rossman 2016:44; Yin 2011:20). The study is trustworthy when the findings are a true reflection of the participants and data collection and data analysis methods can be proven to be reliable (Lietz & Zayas 2010:191). In order to measure the quality

and trustworthiness of this study, the researcher applied the principles of credibility, dependability, transferability and conformability as proposed by Lincoln and Guba (1985), supported by various researchers (Anney 2014:276; Krefting 1991:215; Lietz & Zayas 2010:191; Loh 2013:5; Marshall & Rossman 2016:47; Tracy 2013:231; Wahyuni 2012:77; Yates & Leggett 2016:27). The applicability of the afore-mentioned principles to this study and how they were applied follows in the next section.

### 3.9.1 Credibility

Credibility is the extent to which the participants perceive the outcomes of the study to be representative of their views and perspectives, and easily recognised by members of the population who share the same characteristics (Padgett 2008:181; Silverman 2013:285; Tracy 2013:235; Yin 2011:19). The credibility of the study is seen in its ability to demonstrate the appropriateness and correctness of the research design and data analysis methods convincingly (Bless et al 2013:236; Lietz & Zayas 2010:191; Wahyuni 2012:77). The following methods of credibility were employed in this study:

**Triangulation** refers to using different data sources and investigation methods in order to ensure the correctness of the findings of the study (Anney 2014:277; Shenton 2004:65; Yates & Leggett 2016:227). The researcher collected data from more than one source, i.e. the witnesses, protectors, social workers and senior managers to comply with the requirement of triangulation of data sources. Information was sourced from literature in the form of literature review and literature control in order to verify or dispel research findings. The researcher also used different methods of collecting data such as individual face-to-face semi-structured interviews, observations of the participants' behaviour as well as note taking and digital records of data. The aim of these methods was to increase the accuracy of data and to enable multiple perspectives of data collected (Marshall & Rossman 2016:101). Although the researcher conducted the interviews alone, consultation with the study supervisor took place throughout the entire **process**. An independent coder was used to verify the accuracy of themes for the data.

**Peer scrutiny** in research has to do with the evaluation of data and the processes followed in the study by fellow academics who are experienced in research prior to the conclusion of the study (Houghton et al 2013:14; Lietz & Zayas 2010:196; Marshall & Rossman 2016:46; Shenton 2004:67). Feedback obtained from this process is helpful in terms of enhancing the quality of the study. In this study an independent coder examined the data and formulated themes as part of peer scrutiny (Wahyuni 2012:77). The researcher embarked on the same process and the themes were later compared and consolidated in order to increase credibility. This was made possible by the study supervisor who co-ordinated a consensus discussion meeting. Both the independent coder and the study supervisor are knowledgeable and experienced in research.

The researcher further achieved credibility through the application of **thick description**; the process of paying attention to the context and details of collecting and analysing data of the phenomenon under enquiry (Merriam & Tisdell 2016:256; Tracy 2013:3). According to Lietz and Zayas (2010:194), the use of “deep, dense, detailed accounts” allows the reader to experience the events described by the researcher as though they were part of the study. The researcher made use of direct quotations from transcribed data when presenting the findings of the study in the next chapter. Asking follow up questions and probing as well as observation, attentive listening and audio recording of interviews are other strategies that were applied in this study to ensure thick description (Rossman & Rallis 2012:169).

### 3.9.2 Dependability

It was important for the researcher to prove that the study’s procedures are documented and can be traceable with the intention of presenting the logic that makes sense to others (Padgett 2008:181). Lietz and Zayas (2010:195), Shaw and Holland (2014:97) as well as Wahyuni (2012:77) share the view that a study is dependable if the processes followed, such as how data was collected and analysed, are documented and other academics are able to follow the same framework in different contexts and arrive at the same conclusion.

In this study, the researcher carefully conducted the study according to the plan presented in Chapter One. The methods applied in data collection and analysis are

clearly presented in this chapter in the form of an audit trail. The researcher also made use of an independent coder and the study will further be subjected to scrutiny by the external examiners in order to ensure dependability.

### 3.9.3 Transferability

The study is transferable when the findings are meaningful to researchers in similar contexts following the same process (Bless et al 2013:237; Houghton et al 2013:16; Wahyuni 2012:77). Lietz and Zayas (2010:195) are of the opinion that transferable results that are not credible do not have the value to contribute to the body of knowledge. Transferability can be achieved by presenting sufficiently rich descriptive data to ensure that readers are able to transfer information to their own situation and the entire population can identify with the findings of the study (Shenton 2004:69; Tracy 2010:846).

In this study, the researcher presents an account of the outcomes in the following chapter with direct quotations from participants' interviews. The findings included a profile of participants in the form of biographical details in order to give a good picture of the participants' profiles. The researcher also provided a description of the research methodology such as sampling techniques in terms of the inclusion criteria for participants (Anney 2014:278; Yin 2011:20). In this instance, the participants were purposefully selected through the assistance of gatekeepers to ensure participation of individuals who are representative of the population and who possess rich data about the topic of study (Koerber & McMichael 2008:464; Wahyuni 2012:77).

### 3.9.4 Conformability

In qualitative research it is important for researchers to ensure that there are no inconsistencies between the outcomes of the study and the data collected, meaning the final product must reflect the views of participants (Marshall & Rossman 2014:263; Padgett 2008:181).

In order to keep up with the principle of conformity, the researcher made use of an independent coder to review the study by analysing aspects such as the accuracy of transcripts, and the relationship between interview questions and data collected

(Creswell 2009:192). The researcher used direct quotations from participants' interviews in order to justify the identified themes. According to Wahyuni (2012:77), the use of peer debriefing such as the independent coder in data analysis serves to ensure the reliability of the coding. During the process of data collection, the researcher documented and recorded all activities as they unfolded through note taking and digital recording of interviews (Silverman 2013:209; Streubert & Carpenter 2011:49). The researcher also ensured that all processes of the study were documented to ensure an audit trail. These processes were discussed with the study supervisor to increase conformity with scientific standards (Carcary 2009:15; Lietz & Zayas 2010:197).

This study took place within the researcher's environment of employment. Tracy (2013:107) states that the most convenient environment for researchers to conduct a research study is "right where you are" with the advantage of easy access to the field and participants, reduced time and expenditure and the ability to build a relationship of trust. The researcher automatically has access to a range of readily available literature in the field of witness protection, and the participants were comfortable and open to express their views knowing that the researcher is an internal employee of OWP. Marshall and Rossman (2016:107) state that researchers who conduct studies in familiar environments must guard against own bias and subjectivity. In this study, the researcher applied bracketing to separate her own personal insights and knowledge of the OWP and only focused on the vantage points of participants and the data collected.

Through the entire process of research, the researcher maintained impartiality by observing the principle of reflexivity. According to Gray and Webb (2013:219); Hennink et al (2011:20); Houghton et al (2013:15) and Tracy (2013:233), reflexivity is the honesty, self-reflection and awareness of the researcher's motive for the study, respect for participants and the ability to be frank about one's strengths and shortcomings. Creswell (2014: 202), Lietz and Zayas (2010:192) as well as Yates and Leggett (2016:225) refer to reflexivity as the researcher's introspection relative to his/her own personal stance such as political and cultural perspective about the methods of data collection and analysis that can have an impact on the outcome of the study. Silverman (2013:163) states that research should be conducted with a

high level of professionalism and integrity in terms of the research design and all other processes followed. In an effort to ensure neutrality, the researcher made use of gatekeepers to assist in identifying possible witnesses to participate in the study (Marshall & Rossman 2016:120). In terms of social workers and senior managers, the entire population was interviewed to ensure representivity as there was a limited number of these two interest groups as mentioned in section 3.5.1. of this chapter. The researcher also interviewed witnesses with whom she had not worked previously to ensure objectivity and not to rely on the participant's circumstances already known to the researcher.

### 3.10 APPLICATION OF ETHICAL CONSIDERATIONS

The nature of qualitative research requires the researcher to be in contact with participants in the field where ethical challenges might emerge (Silverman 2013:159). Researchers are advised to anticipate and observe ethical considerations in order to plan ahead, especially in studies that are sensitive (Marshall & Rossman 2016:126). Ethics in research serve to guide the conduct of the researcher and to protect the participants from possible harm that may arise as a result of their participation in the study (Rubin & Babbie 2013:88; Shaw & Holland 2014:102; Tracy 2013:242). Researchers are encouraged to strike a balance between benefits and risk to participants throughout the process of the study. Research ethics include the professional and moral conduct by researchers towards the participants of the study (Creswell 2009:88; Neuman 2011: 43). In order to comply with ethical considerations in this study, the researcher observed the following aspects.

#### 3.10.1 Obtaining permission to conduct the study

Witness protection is a sensitive area of research because of its covert nature that includes the location of the safe house and the identity of the witnesses. It is required of anyone who intends to conduct research or publish certain aspects of the programme to seek permission from the National Director of the OWP in line with the Witness Protection Act 112 of 1998 (South Africa 1998: section 17&19). The researcher ensured compliance with this requirement by obtaining written permission from the National Director of the OWP. The researcher was also granted

ethical clearance from UNISA's Departmental Research and Ethics Committee to conduct this study, after assessing the possible risks and harm that could affect participants (Marshall & Rossman 2016: 5; Shaw & Holland 2014:107; Silverman 2013:165; Wahyuni 2012:74; Whittaker 2012: 9).

This study was conducted with great sensitivity. The researcher ensured that information, such as the operations of the OWP, the location of safe houses and the identities of staff members and witnesses were not reported. The only information reported relates to the experiences, challenges of witnesses, coping strategies and suggestions on how best to improve service delivery to witnesses. The researcher also followed the guidelines of the University of South Africa on how to conduct research and write a thesis through consultation with the study supervisor. The researcher further observed the professional Code of Ethics as stipulated by the South African Council for Social Services Professions by honouring confidentiality, professional relationships, integrity, respect for people's worth, human rights and dignity.

### 3.10.2 Obtaining informed consent

Various scholars (Hennink et al 2011:63; Silverman 2013:162; Whittaker 2012:20) call upon researchers to provide written and sufficient information about the research study to potential participants so as to enable them to make voluntary and informed decisions to participate in the study. In this study, the researcher gave each participant a letter of invitation to participate in the study prior to conducting the study. The letter contained information on the nature of the study, the objectives of the study as well as a consent form. The purpose of the letter was to invite and provide the participants with enough information about the study to enable them to make an informed decision on whether to participate or not in the study. A consent form is a document that acknowledges that the rights of participants will not be compromised during data collection and also serves to confirm that participants have agreed to participate in the study voluntarily (Creswell 2009:89; Marshall & Rossman 2016:53). During data collection, the researcher went through the invitation letter with the participants prior to starting with interviews to make sure that the participants understood the study and were willing to participate. The participants were made aware of their rights such as the right to withdraw from the

interview at any point without penalty and that they would be afforded counselling in the event that they were traumatised because of participating in the study. This process was followed with signing of the consent form by participants.

### 3.10.3 Ensuring confidentiality and anonymity

Confidentiality and anonymity play a vital role in research and as a determining factor for participants to agree to take part in the study or not. It is important for the researcher to ensure that the data collected and the findings of the study cannot be linked to a specific participant (Babbie 2016: 65; Polit et al 2001:82). The important aspect of anonymity and confidentiality is to ensure that the identities of the participants are not compromised. To comply with these principles, the researcher firstly ensured that the identifying particulars of witnesses were anonymised and replaced with pseudonyms, the researcher made use of codes and numbers to classify data instead of the actual names of participants (Kalof et al 2008:193; Shaw & Holland 2014:116; Wahyuni 2012:75).

The researcher further assured participants that data collected would be kept confidential and that only the independent coder and the study supervisor would have access to the information. The data was kept in a lockable cabinet inside a strong room, only accessible to the researcher and will be shredded five years after completion of the study. The electronic copies of the data were protected by means of a password on the researcher's computer (Wahyuni 2012:75).

In order to ensure the privacy of participants during data collection, the researcher conducted interviews of witnesses in the comfort of their safe houses. This strategy also served to ensure confidentiality of the content of the interview. The staff members were each interviewed in their own offices individually.

### 3.10.4 Ensuring beneficence and avoiding deception

The issue of beneficence has to do with the researcher conducting a study that will be significant in promoting the welfare of people (Bless et al (2013:29; Tracy 2013:299). Shaw and Holland (2014:103) agree that social work research aims to empower service users and improve access to resources such as service delivery.

This study seeks to develop guidelines for co-ordinated service delivery to witnesses from a social work perspective that will assist in closing the identified gaps pertaining to the experiences and challenges of witnesses in the OWP. The researcher's conviction is that the outcomes of this study will help to improve the well-being of witnesses and contribute to service delivery improvement by the OWP. Babbie (2017:70) emphasises the importance of avoiding deception of participants by making them aware that the study is part of an academic research project. In this study the researcher did not raise the witnesses' hopes by making any promises regarding the outcomes of the study; instead they were made aware that the study is part of the requirement to obtain a PhD qualification with the University of South Africa.

### 3.10.5 Management of information and debriefing of participants

As planned in chapter one, the hard copies of data were kept in a safe within a lockable cabinet at the researcher's office and soft copies were password protected on the researcher's computer in order to protect the identity of participants (Wahyuni 2010:5). The transcripts of data were only shared with the supervisor and the independent coder who conducted coding for the purposes of data verification. The interview schedule and transcripts will be destroyed five years after completion of the study.

In heeding the call by Marshall & Rossman (2016:126) to provide counselling and debriefing for participants who are emotionally unsettled because of answering the research questions, the researcher planned to refer participants to be debriefed by a colleague who is a qualified social worker registered with the SACSSP (See Addendum G). However, no referrals were not made as there was no incident that warranted a referral for debriefing.

## 3.11 SUMMARY OF THE CHAPTER

In this chapter, the researcher presented the research methodology applied in the study starting with the motivation for choosing the qualitative research approach. The researcher further described the nature of qualitative research, its characteristics, relevance to this study and how it was put into practice during data

collection and analysis processes. The researcher further elaborated on how the collective instrumental research design and the explorative, descriptive and contextual research design adopted for this study were used. The discussion about research methods focused on the population, sampling and the criteria used to select participants. The presentation also focused on the preparation for the collection of data and obtaining informed consent from participants.

The researcher ensured trustworthiness by complying with Lincoln and Guba's (1985) criteria for rigour in qualitative studies, namely conformity, credibility, dependability and transferability. The chapter concluded with a discussion on the ethical considerations and the researcher's own conduct in ensuring that participants are protected from potential harm as a result of their participation in this study.

The next chapter presents the findings of this study in relation to the experiences, challenges, coping strategies and suggestions on how to improve co-ordinated services to witnesses in protection.

## CHAPTER FOUR: RESEARCH FINDINGS AND LITERATURE CONTROL

### 4.1 INTRODUCTION

In Chapter Three of this thesis the discussion focused on the application of the qualitative research process implemented by the researcher in conducting this study. In this chapter, the researcher will present the research findings as they emerged during the process of data collection, analysis and the consensus discussion with the independent coder. The findings of this study relate to the experiences and challenges of witnesses in the OWP.

The researcher starts by presenting the demographic details of the participants followed by a table that outlines the themes, sub-themes and categories that arose from the process of data analysis. The themes will be substantiated by storylines in the form of direct quotations from the participants as well as a literature control to confirm or dispel the findings.

As mentioned in Chapter One, this research project is of a sensitive nature. Witness protection and its operations are classified as secret in terms of the Minimum Information Security Standards Policy of 1996, the Witness Protection Act 112 of 1998 and various other legislative frameworks. Any unauthorised disclosure of protection measures is punishable by law in terms of the Recommendation (2005) of the Council of Europe and the Witness Protection Act 112 of 1998 (South Africa 1998: section 22). In order to ensure anonymity and confidentiality of the witnesses who participated in this study as well as to protect the identity of the OWP staff members, the researcher used pseudonyms to identify respective participants (Beqiri 2017:343). A total number of 30 participants were interviewed, that is 12 witnesses, 12 protectors, three social workers and three senior managers. The interviews were conducted in six provinces, Eastern Cape, Gauteng, KZN, Limpopo, Mpumalanga and Northern Cape.

## 4.2 DEMOGRAPHIC DETAILS OF PARTICIPANTS

The demographical details of the participants are presented here without compromising their identity and location, in order to provide a foundation and the context of the data. It was necessary for the researcher to study the socio-economic aspects of participants that are relevant to this research study as they could influence responses to research questions. For purposes of consolidating a profile of the participants the researcher studied their age group, race, and employment status (Creswell 2016:110; Hennink et al 2011:288). The demographic information of participants is presented in the two tables below. Table 4.1 outline details of the witnesses, followed by Table 4.2 with details of staff members who are employed in the OWP.

### 4.2.1 Demographic information of witnesses in the OWP

The demographic data presented below was useful in terms of building a profile of the participants.

**Table 4.1: Demographic details of witnesses**

<b>Participant (Pseudonym)</b>	<b>Age</b>	<b>Gender</b>	<b>Race</b>	<b>Employment status prior to admission on OWP</b>	<b>Length of stay in OWP</b>	<b>Witnesses who are admitted alone or with family</b>
Thapelo	39	Male	Coloured	Employed	4 years	Family
Steve	47	Male	Black	Unemployed	3 years	Family
Thabo	35	Male	Black	Employed	3 years	Alone
Bongani	41	Male	Indian	Employed	5 years	Family
Pontsho	45	Male	Coloured	Unemployed	3 years	Family
Busi	49	Female	Coloured	Unemployed	3 years	Family
Vela	32	Male	Black	Employed	4 years	Alone
Selina	36	Female	Coloured	Unemployed	4 years	Family
Jide	29	Male	Black	Unemployed	3 years	Alone
Isaac	33	Male	Black	Unemployed	3 years	Family
Lufuno	32	Female	Indian	Employed	3 years	Family
Dakalo	25	Female	Black	Unemployed	3 years	Alone

Witnesses were between the ages of 25 and 49 years of age. This ratio is representative of the age group of witnesses in OWP. According to the Witness Protection Act 112 of 1998 (South Africa 1998: section 7), anyone who is required and is competent to give evidence in criminal and judicial proceedings or to appear before the commission of enquiry/tribunal, whose life is threatened can apply to be placed under protection. Beune and Giebels (2013:17) are of the view that the age of a witness has a bearing on their ability to cope and integrate better in the programme. The older the witness, the more difficult it is for them to cope with social uprooting and adapting as they have established their meaningful social networks to a great extent. On the other hand, Demir (2018:68) holds the view that older persons are more willing to testify than younger people, this is attributed to a greater sense of social responsibility among the older generation.

The racial classification of participants reflects that six witnesses were black, four were coloured and two were Indian. No literature could be found on the racial classification of witnesses in the witness protection programmes.

Eight of the participants were male and the remaining four were female. Beune and Giebels (2013:41) found that in the Netherlands, a higher number of witnesses were male compared to female. This is linked to the growing trend of gang groupings whose members are mostly male (Mahony 2010:102; UNOCD 2008:89). Demir (2008:68), on the other hand, suggests that women are less likely to come forward with testimony, the reason being an intense focus on protecting their children and families from possible intimidation and retribution as a result of co-operating with authorities. This would explain the higher number of male witnesses compared to females.

The employment status of participants revealed that five witnesses were employed prior to their admission to OWP while seven were unemployed. The issue of employment plays a role in determining financial support of witnesses by the OWP. Witnesses who are employed prior to joining the programme receive financial support equivalent to what they were earning while those who are unemployed are provided with a regulated monthly allowance (Regulations 85/1992 on the Protection of Witnesses; De Wet 2016:1). Demir (2018:76) asserts that witnesses who are

unemployed are more likely to agree to go into witness protection compared to the ones who are employed. The main reason for this being job security and fear of losing one's job.

Analysis of the demographics shows that the length of stay of witnesses in the programme ranges between three and five years. Eight participants had been in the programme for three years; three for four years; and another one for five years. Researchers (Beqiri 2018:38; Council of Europe 1999:19; Dandurand & Farr 2010:45; Kariri & Salifu 2016:2; Mahony 2010:134; UNOCD 2004:27) state that the continuous investigations and prosecution processes lead to witnesses staying too long in witness protection programmes before their cases are finalised. Irish et al (2000:13) states that witnesses are likely to lose interest in giving testimony because of long delays in the finalisation of a court case.

Eight of the participants were either on the programme with a significant other or with family and four were in the programme alone. In South Africa, witnesses have a choice to enter the programme alone or with family (Kiprono et al 2015:55). Newham (1995:6) is of the view that in most cases the family of the witness also needs to be protected, as often when the perpetrators are not able to reach the witness; they tend to intimidate the family to send a message to the witnesses with the aim of discouraging them to continue to give testimony.

Some witnesses prefer not to interrupt the family's day-to-day life and practices and elect to go into the programme alone. This is because of factors such as social uprooting, difficulties in keeping a secret and adjusting to a new environment especially for children who can easily jeopardise the protection arrangements by revealing their identity and location (Beune & Giebels 2013:18; Council of Europe 1999:21; Kaur 2011:367; Koedam 1993:365; Vincent 2016:30).

#### 4.2.2 Demographic information of staff members in the OWP (Protectors, social workers and senior managers)

The demographic data of staff members are presented in the table below with focus on the pseudonyms, gender, race and length of employment by the OWP

**Table 4.2: Demographic details of staff members**

<b>Participant (Pseudonyms)</b>	<b>Gender</b>	<b>Race</b>	<b>Length of employment in OWP</b>	<b>Further identity details</b>
Achi	Male	White	10 years	Protector
Phuti	Male	Black	15 years	Protector
Fumani	Male	Black	10 years	Protector
Dakalo	Female	White	5 years	Protector
Anele	Male	Black	10 years	Protector
Ntsako	Male	Black	13 years	Protector
Tumelo	Male	Indian	12 years	Protector
Tshepo	Male	Coloured	9 years	Protector
Wanga	Male	White	15 years	Protector
Mashadu	Male	White	14 years	Protector
Tebogo	Female	Indian	12 years	Protector
Musa	Male	White	15 years	Protector
Lerato	Female	Black	7 years	Social worker
Jon	Male	Black	9 years	Social worker
Warona	Female	Black	10 years	Social worker
Tom	Male	Indian	16 years	Senior manager
Lesego	Male	Black	15 years	Senior manager
Obed	Male	Coloured	13 years	Senior manager

As discussed in Chapter One of this research report, the protection of witnesses in South Africa began as a programme of the SAPS where the protection officers were police officers (Minaar 2002:126). Thus, most of the protection personnel to this day are still former police officers who then joined OWP. During the apartheid era, race and gender were central to the recruitment of police officers. It was only with the dawn of democracy when transformation saw black officers join SAPS in large

numbers especially females (Minaar 2002:118; Newham, Masuku & Dlamini 2006:8). It therefore comes as no surprise that the demographics of the current OWP staff members especially protectors reflect those of SAPS officials. This is despite the fact that the OWP has managed to establish its own legislation and policies, which empower the programme to recruit its own staff.

As seen in Table 4.2 above, the racial classification of participants who are staff members in the employ of the OWP shows that eight were black, five were white, three were Indian and two were coloured. In terms of gender, 14 participants were male and four were female. These figures are representative of the OWP staff demographics nationally. According to the OWP Revised Organisational Structure (2014:8), there are 79 protectors in total across the nine provinces, 59 of whom are male and 25 female. This, however, is contrary to a report by the UNOCD (2008:49) that representation of female protectors is 18% higher than that of male protectors in South Africa.

The demographics in relation to the length of stay of participants in the employment of the OWP, range from seven to fifteen years. Mahony (2010:98) is of the view that while long-term employment and loyalty to the programme are essential, complacency and burnout as a result of long-term exposure to covert work could threaten the quality of the protection work.

### **4.3 THEMES, SUB-THEMES AND CATEGORIES THAT EMERGED FROM THE PROCESS OF DATA ANALYSIS.**

The data collected through face-to-face interviews was analysed in accordance with the eight steps of qualitative data analysis constructed by Tesch (in Creswell 2009:186). This process was followed by a consensus discussion between the researcher and the independent coder, facilitated by the supervisor as mentioned in the introduction of this chapter. The purpose of the discussion was to present and consolidate the themes that emerged from data analysis. A total number of five themes, 21 sub-themes and 67 categories were agreed upon.

The Table 4.3 encapsulates the themes, sub-themes and categories that emerged from the interviews.

Table 4.3: Themes, sub-themes and categories that emerged from the process of data analysis

<b>THEME 1: AWARENESS AND KNOWLEDGE OF THE OWP ACCORDING TO WITNESSES AND STAFF MEMBERS (PROTECTORS, SOCIAL WORKERS AND SENIOR MANAGERS) BEFORE JOINING THE PROGRAMME</b>		
<b>Sub-theme</b>	<b>Categories</b>	<b>Sub-categories</b>
<ul style="list-style-type: none"> <li><b>Awareness and knowledge of the OWP according to witnesses</b></li> </ul>	<ul style="list-style-type: none"> <li>Witnesses were unaware and had no knowledge of the OWP prior to going into the programme</li> <li>Society and stakeholders are relatively unaware of the OWP</li> </ul>	
<ul style="list-style-type: none"> <li><b>Awareness and knowledge of the OWP according to staff members</b></li> </ul>	<ul style="list-style-type: none"> <li>Staff members were unaware and had no knowledge of the OWP prior to joining the programme</li> <li>Staff members had some knowledge of the OWP prior to joining the programme</li> <li>Broader society is relatively unaware of the OWP</li> <li>Police officers and prosecutors are not sufficiently knowledgeable about the OWP</li> </ul>	
<b>THEME 2: WITNESSES' PERCEPTION AND EXPERIENCE OF THE VARIOUS ROLE PLAYERS IN THE OWP</b>		
<ul style="list-style-type: none"> <li><b>Witnesses' experience and perception of the court</b></li> </ul>	<ul style="list-style-type: none"> <li>Witnesses experience anxiety and fear of testifying in court</li> <li>Witnesses experience undue delays in their court cases</li> </ul>	

<ul style="list-style-type: none"> <li>• <b>Witnesses' experience and perception of the role of the protector</b></li> </ul>	<ul style="list-style-type: none"> <li>• Some protectors are protective and ensure witnesses' safety</li> <li>• Witnesses experience inadequate communication by some protectors</li> <li>• Witnesses experience rushed visitations by protectors</li> <li>• Witnesses experience dissatisfaction with the treatment received from some protectors</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Witnesses' experience and perception of the role of the social worker</b></li> </ul>	<ul style="list-style-type: none"> <li>• Witnesses experience social work services positively when accessed</li> <li>• Witnesses experience difficulties in accessing social work services</li> <li>• Witnesses experience internal social work services positively compared to external services</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Witnesses' experience and perception of the role of the family</b></li> </ul>	<ul style="list-style-type: none"> <li>• Witnesses are alone in OWP without any family</li> <li>• Witnesses are in the programme with their family</li> <li>• Witnesses' children find it difficult to adjust to the programme</li> <li>• Promises of family contact do not materialise and witnesses resort to initiating unsafe contact</li> </ul>	

<b>THEME 3: WITNESSES' EXPERIENCES, CHALLENGES AND COPING STRATEGIES RELATED TO BEING IN OWP</b>		
<ul style="list-style-type: none"> <li>• <b>Witnesses experience boredom and loneliness</b></li> </ul>	<ul style="list-style-type: none"> <li>• Days are typically unvaried and relatively empty</li> <li>• Witnesses cope with empty and boring days in different ways</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Witnesses experience the rules of the OWP as isolating</b></li> </ul>	<ul style="list-style-type: none"> <li>• The rules impede socialisation</li> <li>• The culture and language of people in the new surroundings are unfamiliar</li> <li>• The rules restrict movement/mobility</li> <li>• Witnesses cope with the isolating effect of the OWP's rules in various ways</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Witnesses find employment to be a challenge</b></li> </ul>	<ul style="list-style-type: none"> <li>• Witnesses struggle to secure employment</li> <li>• Witnesses cope with employment challenges in various ways</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Witnesses' experience and coping with support services</b></li> </ul>	<ul style="list-style-type: none"> <li>• Witnesses are concerned about their accommodation</li> </ul>	<ul style="list-style-type: none"> <li>• Unsuitable location of some safe houses</li> <li>• The community is suspicious about the identity of the safe house</li> </ul>

	<ul style="list-style-type: none"> <li>• Witnesses experience financial support as inadequate</li>   <li>• Witnesses experience challenges with health care services</li>   <li>• Witnesses are not positive about reintegration services</li> </ul>	<ul style="list-style-type: none"> <li>• The monthly allowance is inadequate</li> <li>• Witnesses cope with financial challenges in various ways</li>   <li>• Challenges in accessing medical care</li> <li>• Witnesses cope by carrying medical care expenses themselves</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Witnesses' general coping strategies in dealing with challenges</b></li> </ul>	<ul style="list-style-type: none"> <li>• Decide to cope and keep to themselves</li> <li>• Hope and trust in God</li> <li>• Look forward to being reunited with family</li> <li>• Exit the programme prematurely</li> <li>• Supported through counselling and therapy</li> <li>• Witnesses cope by keeping busy in various ways</li> </ul>	

<b>THEME 4: PROGRAMME CHALLENGES AS PERCEIVED BY STAFF MEMBERS (PROTECTORS, SOCIAL WORKERS AND SENIOR MANAGERS)</b>		
<ul style="list-style-type: none"> <li>• <b>Policy-related challenges that impact services to witnesses in OWP</b></li> </ul>	<ul style="list-style-type: none"> <li>• Current placement of the OWP under the NPA</li> <li>• Lack of resources</li> <li>• The legislative framework and policies of the OWP</li> <li>• Unsatisfactory reintegration and aftercare services for witnesses</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Management-related challenges that impact services to witnesses in OWP</b></li> </ul>	<ul style="list-style-type: none"> <li>• Unsatisfactory interdepartmental collaboration</li> <li>• Fragmentation of services/the lack of co-ordination of services in the OWP</li> <li>• Lack of care for the wellness of protection personnel</li> <li>• More social workers are needed in the OWP</li> </ul>	
<b>THEME 5: WITNESSES AND STAFF MEMBERS' SUGGESTIONS FOR SERVICE DELIVERY IMPROVEMENT</b>		
<ul style="list-style-type: none"> <li>• <b>Witnesses' suggestions to improve direct services to witnesses in OWP</b></li> </ul>	<ul style="list-style-type: none"> <li>• Better financial assistance</li> <li>• Assistance with securing a job</li> <li>• Easier access to and regular contact with social workers</li> <li>• More environmental enrichment such as recreation</li> <li>• Improved contact with family</li> <li>• Better assistance with reintegration</li> </ul>	

<ul style="list-style-type: none"> <li>• <b>Staff members' suggestions to improve direct services to witnesses in OWP</b></li> </ul>	<ul style="list-style-type: none"> <li>• Skills training for witnesses and assistance with job placement</li> <li>• Better reintegration and aftercare services</li> <li>• Social workers should have access to render services regularly</li> <li>• Improved financial support for witnesses</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Staff members' suggestions to improve the OWP</b></li> </ul>	<ul style="list-style-type: none"> <li>• Amend/finalise and consistently implement the Witness Protection Act</li> <li>• Place the OWP under the Department of Justice and Correctional services</li> <li>• The same safe houses should not be used repeatedly</li> <li>• Additional personnel and training for OWP officials</li> <li>• Better internal communication between OWP staff and management</li> <li>• Improved support for the emotional well-being of protectors</li> <li>• Better interdepartmental collaboration</li> <li>• A co-ordinated effort to ensure speedy finalisation of court cases</li> </ul>	

In the next section, each one of the main themes and accompanying sub-themes as well as categories and sub-categories, where applicable, will be presented, followed by a thorough discussion with the use of quotations from transcripts of the interviews to provide evidence and clear representation of the participants' views and thoughts (McAlpine 2016:44). The purpose of this process was to compare and contrast the findings of this study with literature. The five themes that will be presented are:

- Awareness and knowledge of the OWP according to witnesses and staff members (protectors, social workers and senior managers) before joining the programme
- Witnesses' perception and experience of the various role players in the OWP
- Witnesses' experiences, challenges and coping strategies related to being in OWP
- Programme challenges as perceived by staff members (protectors, social workers and senior managers)
- Witnesses and staff members' suggestions for service delivery improvement

#### 4.3.1 Theme One: Awareness and knowledge of the OWP according to witnesses and staff members (protectors, social workers and senior managers) before joining the programme

This theme emerged from the following question asked to both the witnesses and staff members "***What did you know about the OWP before you joined the programme?***". As discussed in Chapter One of this thesis, witness protection is an important tool used by countries to fight crime without which witnesses are reluctant to give testimony and prosecution of criminals becomes a challenge.

It is thus important for communities to be aware of the existence of witness protection programmes so that they are encouraged and assured that they will be protected if they choose to co-operate with authorities. Kaur (2011:365) asserts that a countries have the responsibility to build confidence of the public to encourage participation in giving testimony. According to Irish et al (2000:4), much of the public information relating to witness protection programmes emerge from media stories, usually reflecting negative stories. Mostly these stories are because of disgruntled witnesses who withdrew from the programme. The story of a South African witness, Mr Abrahams, was published in the Independent Online News after he left the

programme owing to alleged poor conditions at his safe house (Cook 2001:1). According to Brouwer (cited in Dandurand & Farr 2010:80), even though the operations of witness protection programmes are covert there is a need to strike a balance between the secrecy of the programme and the awareness of society in general.

The following sub-themes provide insight into the awareness of witnesses about the existence of the OWP:

- Awareness and knowledge of the OWP according to witnesses
- Awareness and knowledge of the OWP according to staff members

#### 4.3.1.1 Sub-theme: Awareness and knowledge of the OWP according to witnesses

Analysis of the participants' responses to the above-mentioned question indicates that witnesses had no knowledge of OWP prior to being admitted to the programme.

This sub-theme is further divided into the following categories.

- **Witnesses were unaware and had no knowledge of the OWP prior to going into the programme**

Witnesses reported they only heard about the programme for the first time when they were approached by either police officers or the prosecutor to apply for protection. The following extracts from witnesses' interviews describe the level of awareness of witnesses regarding the OWP.

**Lufuno** and **Vela** were specific that they had no knowledge of the programme and they were only made aware that they could apply for protection by the investigating officer and the prosecutor.

**Lufuno:** *"Nothing I didn't know, I was approached by the prosecutor who made me aware that I could come to the programme".*

**Vela:** *“I always saw this on TV; I never knew that this was happening in South Africa. Before we got onto the programme, the Hawks told us that we had an option to be protected in OWP because the case that I am involved in is very dangerous”.*

Researchers (Beune & Giebels 2013:11; Kaur 2011:366; UNODC 2008: 64; Vincent 2016:71) state that entering the programme is a life-changing event that requires change of lifestyle and social networks. It is thus imperative for witnesses to be clearly and realistically informed of the measures that will be taken to protect them, what to expect, as well as the limitations of the programme. Article 55 of the Rome Statute (1998:25) prohibits procurement of testimony from witnesses by means of coercion and misrepresentation by authorities. The study of Fyfe and McKay (2000:682) revealed that although witnesses were informed about the protection programme upon admission, detailed information on what to expect and how the programme functions was left out. In his study on potential challenges within the witness protection programme in Malaysia, Kaur (2011:365) discovered that there is a need for witnesses to be prepared for what he termed a “rebirthing” under witness protection. **Jide’s** account below demonstrates the extent of the lack of clear communication by the police officers when they recruit witnesses to enter the programme:

**Jide:** *“The Hawks, did not inform me, they did not explain anything about the programme. They just told me that I have to sign for the programme. They did not request me and discuss the programme with me. I think someone should have explained to me what is happening and also give me a chance to go and tell my mother about the programme... It was for the first time that I heard about OWP. I thought it is a programme that I will be attending for few weeks like those programmes that young offenders are sent by the courts to attend, but only to find that I am here to stay. No-one explained to me what was going to happen”.*

**Jide’s** confusion and lack of information about the OWP is echoed by Hamilton (1976:29) who found that often witnesses are left confused as a result of unclear communication by police officers during the recruitment phase. Vincent (2016:17) states that while there is a need for police officers to act quickly to remove witnesses from immediate danger, such rushed moves could compromise recruitment and

admission processes. Fyfe and McKay (2000:683) in their study on witness intimidation, protection and relocation found that most witnesses were happy to be quickly removed from a dangerous environment: however, this meant the beginning of “chronic feelings of ontological insecurity”. Beune and Giebels (2013:88), as well as Kaur (2011:366), are of the view that there is not only a need to inform, guide and afford witnesses the opportunity to process the shock of possible separation from their familiar environment, friends and family but also to prepare themselves psychologically. This will contribute to reducing the challenges of coping and adjusting in the programme. Stepakoff et al (2017:274) suggest that witnesses should be made aware of approximately how long they are likely to be away from home, the living conditions of the protection programme and the services that will be available to them, such as the amount of the financial support. This information will enable them to make an informed decision about entering the programme.

- **Society and stakeholders are relatively unaware of the existence of the OWP**

Analysis of participants’ responses indicate that witnesses not only lacked knowledge of the programme but were also of the view that ordinary South Africans at large are less informed about the OWP. This view is supported by Fery (2012:22) who found that police officers, magistrates and prosecutors were not sufficiently aware or trained in the role that they should play in terms of the protection of vulnerable witnesses. Below are extracts from witnesses’ interviews on the question of awareness and knowledge of society in general about the OWP:

**Bongani:** *“I don’t think they know, and I believe there might be many people who could assist government with information, but they do not know that they have an option to be protected”.*

**Lufuno:** *“I think people do but they have a different mindset of the programme. They think it is a holiday and they think they can have anything they want, stress free without problems and they are very much wrong”.*

**Fumani** is a staff member in the OWP and he shares the same view with the above two witnesses that the OWP is unknown in communities.

*“...So, in my view I think the communities should be visited through road shows so that they will know about what OWP is all about. For example, people have problems but they do not know where to go. If the investigating officers (IOs) as well don't know about OWP, then people would also not know because IOs are the ones who are working directly with the community in terms of referrals to OWP”.*

Witnesses and staff members share the same perception that it is difficult for people outside the programme to know about the OWP and how it works. In turning to literature to find support, scholars generally agree that there is a need for witness protection programmes to create awareness so that communities are confident to come forward and co-operate with authorities in terms of giving testimony (Appleyard 2011:76; Beqiri 2018: 31; Dandurand & Farr 2010:80; Demir 2018:69; Fyfe & McKay 2000:279; Kaur 2011:365; Kariri & Salifu 2016:4; Pflanz 2013:1). According to Fyfe and McKay (2000:676), Newham (1995:2) and Vincent (2016:5), awareness programmes and availability of information about witness protection will assure potential witnesses of support and protection against intimidation and harm.

The US Institute of Peace (2007:1) states that even where law enforcement personnel has a good understanding of the processes of a protection programme, efforts must be made to ensure access to information for the citizenry.

This will contribute to successful prosecutions and a positive image of the criminal justice system. Fery (2012:4) found that witnesses in the Democratic Republic of Congo lacked confidence and were reluctant to come forward with information as a result of the perceived weakness in the criminal justice system, related to tendencies of impunity for those who commit crime. Similarly, Dandurand & Farr (2010:46) found that witnesses refused to participate in witness protection programmes in Kenya, Jamaica and the Philippines as a result of the lack of trust in the protection programmes.

It is therefore important that there should be sufficient awareness of the existence of witness protection measures so that witnesses and society are assured of their safety when it comes to giving testimony.

#### 4.3.1.2 Sub-theme: Awareness and knowledge of the OWP according to staff members

Some staff members had partial knowledge about the OWP prior to joining the programme while others had no knowledge at all. This sub-theme is divided into four categories and each category is supported by storylines and literature.

- **Staff members were unaware and had no knowledge of the OWP prior to joining the programme**

The responses of staff members in relation to the question of knowledge and awareness of the programme correspond with those of the witnesses in that there was a lack of awareness about the existence of the OWP. The four participants below reported that although they were in the employ of the SAPS for many years, they did not have information about the OWP.

**Palesa**, for example, was a police officer for many years but she had no knowledge of the OWP's existence. This is what she said:

*"I didn't know much I was in the police for 22 years but I was never directly involved with OWP, I think now there is an improvement but I also think there is still a big gap. It is important to promote OWP but also be careful that people don't use the programme for wrong reasons..."*

**Mashudu** and **Musa** painted the following picture:

**Mashudu:** *"...Nothing, in 1997 I met a gentleman I knew from SAPS and it turned out that he was working for OWP and that was the first time I heard about it. Later when the posts were advertised I applied and I got the job".*

**Musa:** *“...Nothing whatsoever, nothing at all. I was working at SAPS and someone called our commander requesting two police officers to come and assist here, as there was a manpower shortage. Since then I have been working here from 1998.”*

The connection of the OWP to the police relates to the history of the programme prior to 1992 when the protection of vulnerable witnesses was regulated by the Criminal Procedure Act No 51 of 1977 (South Africa 1977: section 185A) and administered by the SAPS. This shows that even when the OWP was under the management of the SAPS, some police officers did not have information about the existence of the programme except for those who were directly involved.

**Tshepo** corroborates the views of some witnesses under sub-theme 4.3.1.1. that the only information he had was based on the TV programmes. He said:

*“I did not know much except for what is being portrayed on TV because OWP is a very covert programme. There is not much information available on the internet either. All I knew is that there was a witness protection programme that takes care of witnesses”.*

Most movies seen on TV depict the American witness protection programme. This information could be misleading to South Africans as there are differences between witness protection in South Africa and other countries. For example, the USA provides a stipend even after the witness is discharged from the programme and assist witnesses with job lacemnets while the same does not happen in South Africa (Bakowski 2013:3; Mahony 2010).

- **Staff members had some knowledge of the OWP prior to joining the programme**

Some staff members of the OWP, especially those who came from a security background prior to joining the programme, had some knowledge about the existence of the OWP. While the three participants below had general knowledge about the OWP, they had no specifics on how exactly the programme operates. The

last participant had a little more knowledge about the role of the OWP and where it is situated.

**Lerato:** *“What I knew is that OWP is a programme for witnesses, they look after the witnesses, they transport them to court and they also look after their well-being. I did not know much”.*

**Warona:** *“I knew that it was a business unit protecting witnesses, nothing deeper and I did not know how witnesses are protected”.*

**Jon:** *“I didn’t know much about OWP except that I would hear people mention it but I did not have a full picture of how the programme works. I knew in a nutshell that it was a safe haven for people who are involved in criminal proceedings. That is the minimum information that I had”.*

The response of participants shows that while some staff members were aware of the OWP, a greater majority lacked knowledge of the details of how the programme functions, prior to their employment in the OWP. According to Minaar (2002:126), most protection officers in the OWP were absorbed from the former protection programme which was part of the SAPS, where police officers were responsible for the protection of witnesses. It makes sense that police officers who were part of the programme would then have some knowledge about the existence of the OWP. Dandurand & Farr (2010:76) as well as Paunovic et al (2013:29), state that witness protection is a covert programme and therefore it is not always possible to access information about its operations and activities.

- **Broader society is relatively unaware of the OWP**

The view of the OWP staff members is that general society lacks knowledge about witness protection. The following excerpts demonstrate the level of this perceived lack of knowledge by society:

The two participants below attributed the lack of knowledge and awareness of society about the OWP to the fact that protection programmes are covert in nature.

**Jon:** *“I wouldn’t say ordinary South Africans out there are aware of the existence of this programme because this is a covert environment; we hear about OWP here and there over the radio and TV but it is not something which is well known”.*

**Warona:** *“Ordinary South Africans not all, are not aware of the existence of OWP because OWP is a covert unit, it is only certain individuals who know about it”.*

Researchers (Beune & Giebels 2013:16; Eikel 2012:119; Fyfe & MacKay 2000:676; Fyfe & Sheptycki 2006:320; Mahony 2010:7) are in agreement that the secrecy that surrounds witness protection programmes, combined with the dearth of literature and research, account for the lack of publicly available information on the protection of witnesses globally. This is regardless of the fact that the US Federal Security Witness Protection has been in existence for the past 30 years (Bakowski 2013:3; Mack 2014:208; UNODC 2008:7).

The views of staff members are in consensus with those of witnesses, that society is not generally aware of the existence of OWP. Even those who are aware do not know where to find it or how it works. Council of Europe 2018:10 advocates that member states should ensure that all necessary publicity regarding protection measures is distributed to social institutions, authorities and judicial institutions to ensure publicity. Vincent (2016:6) and Newham (1995:2) emphasise that society cannot be expected to collaborate with officials if they are not confident enough that their personal safety and security will be protected. Similarly, Fery (2012:4:) as well as Kayuni and Jamu (2015:430), hold that witnesses are likely to be reluctant to report crime as a result of the high levels of dysfunction in the criminal justice system, corruption and impunity, especially where criminal acts are committed by police officers and the military, because of lack of knowledge of the programme.

**Anele** and **Lerato** associate society’s lack of knowledge with insufficient marketing of the OWP’s services.

**Anele:** *“No, generally I don’t think the majority of people knows. They know that there is OWP but they would not know where to find it because it is not properly*

*marketed. Like myself initially I thought OWP has to do with the police meanwhile it is independent so no most people are not aware of it”.*

**Lerato:** *“No, they do not know, only people from NPA will know, some police officers do not know. The marketing of OWP is not good. It is known internally. Ordinary people from the townships do not know and I think those are the people who need the programme the most. The middle class will know but people from poor backgrounds have no idea about OWP”.*

Dandurand & Farr (2010:80) are of the view that while there is a need to keep the activities of witness protection programmes a secret, it is equally important to maintain some level of publicity and dissemination of accurate information to the general public. The study of Beune and Giebels (2013:89) revealed that in some states, such as the Royal Canadian Mounted Police in Canada for example, have sought to manage the issue of access to information about protection of vulnerable witnesses by setting up a website where the general public is able to access information about the witness protection programme. Similarly, the ICC through its Initial Response System (IRS) established a 24/7 emergency hotline number that activates a network of partners with the capacity to remove a potential witness from danger to a safe location, pending evaluation by the victims and witness unit (Eikel 2012:120). England and Wales, for example, provide leaflets with helpful information for victims and witnesses of crime regarding the protection programme (Mujkanovic 2014:1).

On the other hand, **Obed**'s view is that some aspects of witness protection should be declassified to enable the public to access information that could be useful to their safety. This is how he expressed his view:

*“There is knowledge but to a limited extent. The Witness Protection Act 112 of 1998 states that the affairs of OWP must be handled secretly but I think some of us went too far to extend the secrecy. My understanding is that with the Protection of Information Act and the Minimum Information Security Standard in place, information cannot be randomly classified secret. Some issues need to remain*

*unclassified, such as generic information. Information that is applicable to everybody”.*

As mentioned in Chapter One of this study, the operations of the OWP are classified as secret. However in this the researcher is of the view that disclosure of basic information about the OWP is in the interest of the public and seems to outweigh the harm that could result in the declassification of such information.

- **Police officers and prosecutors are not sufficiently knowledgeable about the OWP**

The responses of staff members of the OWP concurred with those of witnesses that police officers also lack knowledge on how the programme functions. Some of the challenges mentioned by participants that derive from police officers' lack of knowledge relate to false promises, misrepresentation and recruitment of witnesses who do not meet the OWP admission requirements. Below are excerpts from interviews with staff members which suggest that police officers seem to lack knowledge on how the OWP functions:

**Tumelo:** *“I think most police officer don't know much about OWP, to an extent that sometimes they send us witnesses who do not meet our admission requirements and also make promises that OWP cannot fulfill”.*

**Wanga:** *“The IO can mislead the witness when they recruit them to come into the programme...some would make promises or place ideas in the mind of a witness...sometimes you find IOs that says to the witness 'you must come on to the programme', as if admission to OWP is compulsory...and at a later stage when we tell the witness that admission to the programme is not compulsory, the witness would say, 'no I would rather not come on the programme'. Mostly because the witness might not like to be confined to an area of discipline and routine”.*

**Tebogo** *“No I don't even think certain police officers know about OWP. They are not educated about OWP, they think we just bring a witness to court. I think they should be educated about witness protection. It becomes a challenge when police*

*officers must refer witnesses to us, they don't know which cases to bring to OWP. They refer to us witnesses whose lives are not really threatened".*

**Obed:** *"...We have established a link with all the detective academies nationally where we do presentations about OWP. One of the aspects in the presentation is the admission requirements and contact numbers of regional management. We have however not made any contact with the Department of Social Development and I think we should have...so that they disseminate information through their NGOs".*

The views of **Tebogo** and **Tumelo** are supported by Fyfe and McKay (2010:290) who in their study on witness protection in Strathclyde found that protection officers complained that police officers try to "offload" witnesses onto the programme by exaggerating their level of threat in order to escape the logistics of managing a witness such as ensuring that witnesses are informed of court dates and they attend court proceedings. Similarly, the Council of Europe Report on Best Practice in Witness Protection (1999:18) revealed that in one country where the prosecutors and police were mainly responsible for admission of witnesses, promises were made to witnesses that could not be met by the protection authorities. **Wanga's** sentiment is echoed by Beune and Giebels (2013: 10) who found that witnesses who enter the programme with full knowledge of what to expect are more likely to be proactive in terms of dealing with their emotions and finding ways to cope with the social uprooting nature of witness protection.

The issue of the lack of knowledge of police officers could compromise the information that witnesses are given during their recruitment into the programme as well as their expectations of the programme. The first contact of engagement for members of the public after encountering crime is most likely with the police, thus police officers are well placed to inform witnesses about various kinds of assistance they could receive from the state, including the protection programme (Fyfe & McKay 2000:681; UNODC 2008:27). Hamilton (1976:28) in his study on witness management found that communication between police officers and witnesses is often perceived to be unclear and confusing. The lack of knowledge of officers who are assigned to assist witnesses during the initial phase of recruitment/admission is

likely to result in misrepresentation of facts about the programme (Fyfe & McKay 2000:681).

The study of Fery (2012:22) on the protection of witnesses found that police officers were not sufficiently aware of the role that they may play in terms of the protection of witnesses. As discussed under subtheme 4.3.1.1, **Jide** reported that he did not know what to expect of the programme, he actually associated the OWP with the South African National Institute for Crime Prevention and Rehabilitation of Offenders (NICRO) programmes where offenders attend diversion programmes.

The decision to join witness protection is an important one and potential witnesses should be clearly and realistically informed about any information and measures that will be taken to protect their lives (Demir 2018:63; Kaur 2011:366; UN Human Rights Monitoring 2011:9; UNODC 2008:64; Vincent 2016:40). The studies of Irish et al (2000:34) and Dandurand & Farr (2010:36) on witness management in South Africa found that witnesses complained of false promises being made to them during their admission to the programme.

The Report on Best Practice in Witness Protection by the Council of Europe (1999:18) revealed that police officers who are not authorised to make promises about the protection of witnesses had done so and witness protection agencies were unable to fulfil such promises such as financial rewards in exchange for giving testimony in court.

Literature available on the recruitment of witnesses (Appleyard 2011:70; Beune & Giebels 2013:34; Mujkanovic 2014:67; UN Human Rights Monitoring 2011:32; Vincent 2016:40) emphasises the importance of providing witnesses with clear and precise information in order to avoid creating expectations and misunderstanding about the capacity of the programme and services available to them.

The utterance of **Obed** gives an indication that the OWP has put some measures in place regarding awareness of police officers. However, the responses of **Tebogo**, **Tumelo** and **Wanga** above show that more awareness programmes are still required to ensure that those who are entrusted with the recruitment of witnesses

have a better understanding of the requirements of the programme. Appleyard (2011:17) and the UNODC (2008:28) emphasise that officials who are not part of witness protection but who make first contact with witnesses should be trained and provided with a manual on good practice to eliminate problems such as exposing witnesses to secondary victimisation and further risk. In South Africa such officials are police officers, prosecutors, the heads of prison and social workers as provided for in the Witness Protection Act 112 of 1998 (South Africa 1998: section 7).

#### 4.3.2 Theme Two: Witnesses' perception and experience of the various rolelayers in the OWP

This theme emerged from the response of participants from the following question posed to them: **“Describe the role of the different role players in the OWP as it relates to witnesses in the programme?”**

The responses of witnesses expressed positive and negative experiences of the various role players in the OWP. The following four sub-themes provide understanding into how witnesses perceive the roles of the various staff members in relation to service delivery.

- Witnesses' experiences and perception of the court
- Witnesses' experience and perception of the role of the protector
- Witnesses' experience and perception of the role of the social worker
- Witnesses' experience and perception of the role of the family

The discussion under this theme will focus on the experiences of witnesses, supported by the views of staff members. The above question was formulated after the analysis of the outcome of the pilot study. Staff members were also asked the same question in order to compare the views of the two interest groups.

4.3.2.1 Sub-theme: Witnesses' experience and perception of the court  
Witnesses' experience and perception of the court varied. Some of the experiences mentioned are fear of facing the perpetrator in court, fear of intimidation, unhappiness with continued postponements of cases, etc.

- **Witnesses experience anxiety and fear of testifying in court**

The study of Mahony (2010:49) on witness protection in Africa revealed that witnesses experience giving testimony as an intimidating event because they recount the traumatic experiences that led to their admission in OWP. Below are the extracts from witnesses' interviews on their experiences of the role and services provided by the courts.

**Busi:** *"It was my first time going to court, I was a little bit afraid...I asked God to give me strength for the justice of my child..."*

**Selina:** *"...but going to court is so terrifying for me. I am always thinking ...whether someone will kill me there or not"*

The experience of the two witnesses above regarding fear and anxiety of testifying in court ties in with the observation made by staff members. This is how **Tumelo** described his experience of the court services:

*"Many witnesses have not been exposed to the court environment before, so sometimes they are nervous. They are confident before they go to court but once they get there they become scared as they have to face the perpetrators and they end up not giving good evidence in court"*

The fear of court of witnesses is echoed by Dulume (2016:125); Fery (2012:5); Kayuni and Jamu (2015:429), as well as UNODC (2008:27), by stating that witnesses become anxious as a result of taking part in a trial and this often affects the quality of their testimony. After agreeing to expose themselves to the risk of entering witness protection programme, witnesses are still faced with the difficult task of coming into contact with perpetrators during trial (Beqiri 2018:39; Fyfe & McKay 2000:677). Mujkanovic (2014:67) is of the view that this fear may affect the witness's ability to recall the details of the case required in court as part of evidence.

Dulume (2016:140) further revealed that in the absence of protection against intimidation, some witnesses in Ethiopia changed their statements, withdrew charges and ignored the summons as a result of fear of testifying in court where

they were likely to come into contact with perpetrators. Vincent (2016:59), on the other hand, found that witnesses in Victoria were generally hesitant to speak in adversarial environments such as courts, where they may be perceived to be implicated or have their credibility challenged.

Intimidation also contributes to feelings of anxiety by witnesses. Intimidation may occur during court appearances through creepy looks and gestures, as well as the presence of the supporters of the perpetrator in court (Fyfe & McKay 2000:279; Kayuni 2015:428; Vincent 2016:54). Any witness who is not able to deliver testimony in court because of intimidation and the lack of support is a loss to the criminal justice system and the state (Irish et al 2000:9; Kariri & Salifu 2016:3; Khan 2012:27; UNODC 2008:30). Appleyard (2011:20) suggests that witness protection programmes should work towards reducing the risk of re-traumatisation of witnesses caused by coming into contact with the accused, mostly during court appearances.

- **Witnesses experience undue delays in their court cases**

Studies in witness protection generally show that duration in the protection programme cannot be determined at the time of entering the programme as the criminal justice processes are substantially influenced by the progress of investigations, prosecutions, multiple trials and delaying tactics by defence attorneys (Bendo 2015: 7; Beqiri 2018:38; Council of Europe 1999:22). In Canada and Norway, protection of a witness is considered to be a lifetime arrangement while in South Africa and Europe, for example, the length of protection is determined by the length of prosecutions and investigation (Dandurand & Farr 2010:47).

The general principle in the protection of witnesses is that their court cases should be given priority so that witnesses are able to resume a normal life as soon as possible outside the protection programme (Council of Europe 1999: 19 UNODC 2008:68).

The participants below expressed unhappiness about the progress with court cases and continuous postponements that lead to a lengthy stay in OWP. Witnesses find

it frustrating when they do not know what is happening with their court case, this is evident from the extracts below:

**Jide:** *"...It is also frustrating...Ever since I came into the programme... I don't know anything about the progress of the case, I don't know what is happening, I don't know when I will be going to court. Maybe every week I must be told about the progress of my case... On a serious note I have to know what is happening, each time the IO attends to the case, they must tell me".*

**Vela:** *"...My case is not progressing well, I have been in the programme for more than two years and I have never been in court. It worries me a lot, it is been back and forth, postponements all the time. I just feel that the government is wasting time. But that is the law, what can we say. There is no urgency about my case while my life is at a standstill".*

**Vela's** response is supported by Irish et al (2000:35) and Beune and Giebels (2013:27) who emphasise that uncertainty about the future and the extended lengthy stay of witnesses in the programme affect their emotional well-being. According to the South African Victims Charter 2004 and Rec (85)11 of the Council of Europe, victims of crime have the right to be informed of the progress of their court cases, whether or not the offender has been arrested, granted bail or convicted for example.

**Tebogo**, who is a staff member, supported the view of witnesses about the delay in finalising court cases and continuous court postponements that impact the finances of the OWP. This is what he said:

*"Some IOs are not positive in doing their job. A lot of cases are remanded and very few are concluded. This affects witnesses too much when cases are postponed continuously. But I also feel that somewhere at the top OWP management should engage the courts and make them aware of our role and the resources that goes into protecting a witness for court. It is a cost factor as well to OWP".*

The study of Irish et al (2000:39) revealed that some defence attorneys deliberately attempt to delay the cases in the hope that the witness will break down and give up

on the case because of the lengthy stay in protection programmes. Some witnesses who were interviewed in this study had been in the programme for more than five years. According to the Council of Europe (1999:19), the average stay of a witness in the programme is two to five years. Hamilton (1976:34) suggests that while the length of court cases is dependent on investigations and prosecutions, prosecutors are often aware of the next court schedule well in advance and should put systems in place to notify witnesses about possible postponements and also in instances where the witness is no longer required to appear in court or the case is being dropped, instead of waiting for a witnesses to appear and only then excuse them from the courtroom.

Similarly, Fyfe and McKay (2010:294) found that the cases of the witnesses who participated in their study had proceeded to court only to find that some witnesses were no longer required to give evidence as a result of changes in the plea by the accused. Dandurand & Farr (2010:55), as well as Mack (2014: 236), suggest that lengthy stay in witness protection is likely to have an adverse effect on the well-being of a witness. Beune and Giebels (2013:93), on the other hand, suggest that keeping the programme as short as possible would aid the management of witnesses.

#### 4.3.2.2 Sub-theme: Witnesses' experience and perception of the role of the protector

Witnesses expressed differing views on their experience of the role and services rendered by protectors. While some witnesses perceive the role of the protector positively, some expressed dissatisfaction with the treatment by protectors, poor communication as well as rushed visitations. The following four categories provide insight into witnesses' experiences and perceptions of the role of the protector, supported by the excerpts from the interviews of protectors.

- **Some protectors are supportive and ensure witnesses' safety**

In South Africa, protection officers are referred to as 'protectors'. The participants' accounts below suggest that protectors are perceived by witnesses as responsible individuals who ensure their well-being and safety. Protectos play a diverse and important role in the life of a witness. The role of the protection personnel is

described by Appleyard (2011:17) and UNOCD (2008:47) as officers who are vigilant, interrogators, undercover agents, innovative thinkers, negotiators and lay counsellors in the protection of witnesses. Other recommended expertise for the staff of witness protection, include knowledge of legal and administrative matters, human rights and humanitarian law, psychology and psycho-social skills, knowledge of working with children, health care, physical fitness, people skills, time management, flexibility, tactical skills as well as the ability to integrate and discriminate.

**Busi:** *“Protectors are there to protect us. If I have something in my heart I tell them, even if I need something I write a letter and they will tell me straight away if they can help me or not”.*

**Pontsho:** *“In my view they look after me, they are there to assist me, they help me with my health issues and they protect me from other people who want to kill us”.*

**Thabo:** *“OWP paid for my welding course. I wanted to do the course by myself, but my protector took it upon himself to apply for the funds to pay for the course without me making an application because he knew that it would take me a very long time to raise the money to pay for the course. I did not even know I could ask OWP to help me pay for a course”.*

Recruitment of witness protection staff is a crucial aspect for a witness protection programme. Literature on the topic of recruitment suggests that strict vetting procedures must be in place to ensure the selection of individuals of high moral ground whose character can stand up to scrutiny, while continuous training will ensure that protection staff have necessary skills to provide physical security as well as meet the psychological needs of witnesses (Dulume 2016:147; Kariri & Salifu 2016:8; Irish et al 2000:44; Kayuni & Jamu 2015:435; Semrad, Vangas & Bhullar 2014:8; UNODC 2008:54). According to a report of the Australian Federal Police (2012/13:6) witness protection officers in Australia are required to undergo a refresher skills training programme annually to enhance performance in the protection of witnesses. Appleyard (2011:76) suggests that having highly trained

officials with integrity is likely to attract people to report crime and co-operate with authorities.

- **Witnesses experience inadequate communication by some protectors**

The responses of participants below suggest poor communication between protectors and witnesses e.g witnesses submit written communication but only receives verbal responses, delayed responses and no response. This view is shared by some staff members who attest to the frustration that witnesses endure because of the lack of feedback, unanswered questions and the lack of clarity regarding witnesses' matters.

**Lufuno:** *"...For instance like I mentioned, sometimes protectors also have their own stresses. Maybe when the protector has her own stress and I make an application or requests, the protector explodes. So, if I request something and I get a negative response I just keep to myself and I don't ask for anything again because I don't want any problems. Because I feel offended about what was said. It is not what a protector says but how she says it"*

**Bongani:** *"I have applied seven times with letters for a family visit, but the feedback is a no and it is verbal"*.

The staff members agree that the communication challenges raised by witnesses are legitimate. This is what **Jon** and **Palesa** said:

**Jon:** *"Sometimes I also find that communication is poor regarding witnesses' requests and follow ups, questions that needs answers, it becomes a problem and it frustrates a witness when they have outstanding issues that are not resolved and questions that are not answered"*.

**Palesa:** ... *"I do not understand why witnesses must write requests about everything instead of just standardising what they must receive or what they are entitled to"*.

Not many sources were found regarding communication between protectors and witnesses. However, Beunes and Giebels (2013:93) emphasise the importance of

clear communication to avoid misunderstandings between the witness protection personnel and witnesses.

- **Witnesses experience rushed visitations by protectors**

Researchers on the subject of visitations to witnesses are generally in agreement that regular monitoring of witnesses is necessary in order to ensure their safety and that they are able to adjust to the unfamiliar environment. For example, Beune and Giebels (2013: 93) are of the view that witnesses should be monitored regularly to ensure that they are able to cope with the adverse effects of being admitted to the programme. The study of Irish et al (2000:35) found that the lack of adequate supervision of witnesses by protectors creates problems and unavoidable tensions which, if not managed, could escalate into conflict between witnesses and the protection staff.

The OWP does not provide a 24/7 protection service meaning most of the time the witnesses are by themselves. Visits by protectors take place to give support and ensure that witnesses are able to adjust to the programme. The views of both witnesses and protectors are that protectors do not have enough time to visit and support the witnesses.

**Bongani:** *“Mostly the protectors visit us on Fridays and they are always in a hurry, for two to three minutes. The time is too little for a witness to have a fruitful discussion with the protector in that short space of time”.*

**Warona** and **Tom** who are staff members shared the same view:

**Warona:** *“Protectors are always in a hurry because they protect more than one witness, they don’t really have enough time to give to each witness...”.*

**Tom:** *“The international standard on the protection of witnesses is one witness to one protector. In South Africa we do not have that luxury or the resources to maintain or sustain something like that...witnesses don’t have 24/7 protection services but they can contact the protector telephonically if there is a need”.*

The response by **Tom** suggests that the challenge of rushed visits is partly attributed to the shortage of protectors that result in one protector being responsible for more than one witness at a time.

In some countries, as recorded by the Council of Europe (1999:24), the ratio of protection personnel to witnesses ranges from 1:1 or 1:2. In this study, some of the participants who are protectors stated that they protect five witnesses at a time. The Report of the Public Protector in South Africa (2006:25) revealed that the ratio of protectors to witnesses of approximately 1:8 poses a security risk that could endanger the lives of both the witnesses and the protection team. The United Nations Human Rights Monitoring (2011:19) and the UNODC (2008:72) emphasise the importance of monitoring the safety of witnesses regularly through visits or phone calls to ensure that there is no risk of harm to their lives.

- **Witnesses experience dissatisfaction with the treatment received from some protectors**

The challenge of ill-treatment of witnesses is recorded by Minaar (2002:126) who revealed that witnesses in South Africa complained of harassment and threats by protection officers. **Obed's** view below ties in with the observation made by Irish et al (2000: 29) in their study on witness management in South Africa that during the first four years of enactment of the Witness Protection Act, some police officers responsible for protection of witnesses were found to be insensitive and negative towards witnesses. Extreme cases reported were intimidation, assault and rape of witnesses by their protectors which left witnesses feeling like prisoners instead of victims of crime.

The extracts from witnesses' transcripts below point to their dissatisfaction with the treatment by some of the protectors. Witnesses are of the view that some protectors need to be sensitised on how to deal with witnesses and respond to their queries with sympathy. Below are the views from witnesses' and staff members' interviews regarding the treatment of witnesses in OWP.

**Lufuno:** *"I feel that sometimes the people here do not have sympathy with the witness, especially the lady that works with me, I mean the protector. They do not*

*know what I am going through, I have been sicker since I came to the programme. I have quit smoking because my lungs are affected, I am on depression tablets, and I have a womb problem with a possibility of cervical cancer. All these things are stress related because I was not sick before I came into the programme. So, I feel that OWP should sympathise more with the witnesses who are on the programme because no one knows what we are going through”.*

**Vela:** *“OWP is like a jail. It is a model C jail. There is nothing fancy about it. We are not free. Nothing keeps your mind busy... Everything I do is being questioned. At my age, I have to tell a protector that I am going to town. Sometimes I would say I am going to the bank and the protector will ask, “What are you going to do”.*

**Lufuno’s** account about how being in the programme has affected her health is supported by Walinga (2014:11) who states that the inability to cope and adjust to stressful situations is associated with increased health problems. The views articulated by staff members below attest to the experiences of witnesses regarding ill-treatment and inconsistency in the management of witnesses by some protectors. The nature of ill-treatment described by staff members includes treating witnesses like objects, treating witnesses like prisoners and instilling fear in witnesses through the display of negative attitudes by some protectors.

**Fumani:** *“Since I have been with OWP I have seen how some witnesses have no say because they are afraid of some protectors. Instead of being received as victims, they are treated as if they are the accused. Witnesses here are not treated the same way by protectors and management too. For example, requests by some witnesses are approved and some are declined. Sometimes I pick up that some protectors still try to treat witnesses as if they are prisoners... there are certain things that witness cannot express freely to the protectors because of this very same reason that some protectors have an attitude towards witnesses...”*

**Obed:** *“... and the manner in which witnesses are dealt with by us as staff members. I am referring to the treatment of witnesses by OWP staff... some of these issues can be managed or controlled by simply treating witnesses as human beings and not like objects.*

Literature on the topic of management of witnesses (Fery 2012:17; Khan 2013:28; Recommendation (85)11 of the Council of Europe; Rome Statute 1998:33; Stanica & Coman 2014:277) emphasise the importance of treating witnesses with courtesy, respect and dignity, and that witnesses should be recognised for the role they play in aiding the state to unveil the truth. Irish et al (2000:34), as well as Semrad, Vangas and Bhullar (2012:6), note that in instances where the quality and care in witness protection is poor, this information will inevitably find its way to the public domain, resulting in loss of confidence in the system by those who could collaborate with the state in future.

According to Demir (2008:69), witnesses are likely to be co-operative with authorities if they know that they will not only be protected, but they will also be cared for and supported. Beune and Giebels (2013:63) suggest that witnesses who are treated well in witness protection are more likely to actively deal with potential challenges and are co-operative with authorities. The ability of a witness to testify with confidence during trial can also be attributed to the support by the protection personnel. It is thus important to ensure that witnesses are treated in a manner that seeks to stabilise their psychological wellbeing and avoid victimisation while under protection (Beqiri 2018:40; Kayuni & Jamu 2015:436; Kiprono 2015:50).

#### 4.3.2.3 Sub-theme: Witnesses' experience and perception of the role of the social worker

Participants' narrations suggest that social work services are perceived and experienced in three ways: witnesses experience social work services positively when accessed; others report difficulties in accessing social work services; while the last group of participants perceive internal social work services positively compared to external services. The following three categories emanated from this sub-theme.

- **Witnesses experience social work services positively when accessed**

Below are excerpts from witness's interviews about their experience of social work services from the OWP, corroborated by staff members.

**Thapelo:** *“The social workers for me play an important role, they identify problems that we cannot see as parents. Especially when it comes to families. Our kids mostly go through a lot, it is traumatising for them and they don’t know how to speak to us, and sometimes we don’t know how to deal with the situation so that is why it is important to have a social worker in OWP. So maybe children feel [more] free to speak to a social worker than parents and we are also free to speak [to a social worker]”.*

**Dakalo:** *“We talk to the social worker and they help us. I think the social worker is very much needed here because sometimes as witnesses we are in shock, isolated and need someone to talk to. They are needed to help witnesses deal with whatever they are going through”.*

**Obed** is a staff member in the OWP and he shares the same view.

*“...the social worker assists with the assessment of the witness at the inception, and recommend on how best to manage the trauma, where they can be accommodated and which protector will be suitable. It is a function that will inform the protection team on how best to manage the witness. Also, a liaison between the family, the OWP, and the witness ...In South America for example the social worker sits next to the witness in court as reassurance and a source of support to the witness. Some witnesses recover from their trauma by the time they go to court because of social work support”.*

**Obed’s** narration about the importance of witness assessment is supported by Irish et al (2000:42), Kayuni & Jamu (2015: 431), Khan (2013:29), Mahony (2010:88), UNODC (2008:27) and Vincent (2016:71) that psycho-social assessment is an important aspect that is carried out at the initial stage of the protection programme in order to inform the needs and the management process of a witness.

The views of witnesses regarding the role of social workers resonate in literature. Available research shows that the success of witness protection is dependent not only on physical protection but on psycho-social support of witnesses as well (Beqiri 2018:37; Demir 2018:332; Kayuni & Jamu 2015:426). This is done through witness assistance, a programme intended to help witnesses to achieve efficient testimony,

avoid secondary victimisation and trauma, reduce the stress and anxiety of participating in a trial as well as to help the witness to adjust and cope better in witness protection programme (Appleyard 2011:74; Dulume 2016:127; Fery 2012:8; Fyfe & Newham 1995:6; Sheptycki 2006:334; Stanica & Coman 2014:279; UNODC 2008:27). Koedam (1993:367) asserts that without psycho-social intervention to help the witnesses to cope and adapt better in the programme, they are likely to jeopardise their safety by contacting their family as well as resign from the programme prematurely.

Witness assistance services are provided by trained and qualified professionals such as social workers, psychologists, medical doctors and therapists. In South Africa, psycho-social services were introduced in 2012, through the employment of four social workers who are responsible for rendering services nationwide while psychological and medical services are outsourced on an ad hoc basis (De Wet 2016:2). This is contrary to Mahony (2010:108) and UNODC (2008:50) that witnesses in OWP have regular access to the services of clinical psychologists who are employed by the OWP. According to Appleyard (2011:18), Fery (2012:23) and Kayuni and Jamu (2015:430), psycho-social support is not a once-off event but a process that should be provided throughout the witness' stay on the programme from admission to discharge and beyond, by a multidisciplinary team of professionals.

- **Witnesses experience difficulties in accessing social work services**

The excerpts from participants' interviews suggest that the challenges of accessing social work services experienced by witnesses stem from two main problems, namely a shortage of social work personnel and permission and lengthy processes by management to approve a social worker's visit/session. **Lufuno** expressed her experience regarding the lack of psycho-social intervention in the OWP as follows:

*"...My elder son is giving me problems for two years already. He even ran away from the safe house at some point, there was a time that he did not want to go to school... he is telling me words that makes me feel so bad. He will just sit there and he would not listen to me... two months ago he threw his phone in my face. He cuts his shoes and clothes and demand new ones...he wants to go home, he wants his*

*father. I asked management of OWP to talk to him and they only came out once to see him but now his behaviour has gotten worse”.*

**Anele** and **Fumani** who are staff members in OWP share the same sentiment when it comes to difficulties of access to social work services by witnesses.

**Anele:** *“We had a social worker on the programme and she was doing well. I don’t know why she was not given a car so that she could work independently because there was a vehicle that was purchased specifically for social work services but she was denied to use that car and it became a burden on protectors because whenever she had to go to see witnesses, she had to be accompanied by a protector. As it is, we are short-staffed and there is no additional time to accompany each other to work. Sometimes the politics of OWP gets ahead of work because at the end of the day, witnesses are the ones who are suffering”.*

**Fumani:** *“Protectors are expected to identify if a witness needs to see a social worker then make a request to management. For me I don’t think this is necessary because these social workers are internal, we should not treat them like external service providers...they should be allowed to visit witnesses and interact with them more frequently.”*

**Anele** and **Fumani** indicate that the current process followed in the OWP is that protectors first identify if psycho-social intervention is required by a witness through their own assessment; make an application to management; and after approval, accompany the social worker to the safe house. It appears that this process is time-consuming and results in witnesses having to wait for a long time before they can access psycho-social services. In addition to the lengthy internal processes of the OWP, the current number of social workers implies that the ratio of a social worker to witnesses is approximately 1:97. This is in line with the statistics in the NPA Annual Report (South Africa 2018/19:92). According to the UNODC (2008:29), the NPA has established a unit that renders psychosocial services to victims of sexual offences known as the Sexual Offences and Community Affairs Unit (SOCA). However there is no direct and practical link between SOCA and the OWP which means witnesses admitted to the programme do not benefit from these services.

Kayuni and Jamu (2015:435) are of the view that the shortage of skilled personnel entrusted with the well-being of witnesses in protection could result in devastation among witnesses. Mahony (2010:109) terms the lack of psycho-social management of witnesses in South Africa “disconcerting”. Without psycho-social intervention to help witnesses manage the depression and anxiety of being separated from family, they are likely to compromise the rules of the programme by trying to keep contact with their loved ones. For example, Mack (2014:227) revealed that a witness in the USA initiated contact with her former gang for support because of the psychological impact of being away from home and lack of support.

The Democratic Republic of Congo (DRC) although it does not have a well established witness protection programme, the Panzi foundation adopted a holistic approach to the protection of witnesses by setting up the Panzi legal clinic that provides for legal assistance, skills training, psycho-social and medical services as well as guidance for the reintegration of witnesses and victims of crime, mostly victims of gender based violence (Fery 2012: 23). Similarly, the Czech Republic provides psycho-social assistance to victims of crime through counselling, consultancy, legal services and psychological services as part of the wider crime prevention strategy (Crime Prevention Strategy in the Czech Republic 2016-2020:44).

The aftermath of crime leaves witnesses with serious trauma which, if untreated, could lead to long-term psychological and mental harm and difficulty in adapting to the new environment. This suggests that every witness entering the programme needs to go through a psycho-social programme to assist him/her to heal from experiencing crime and to adjust to their new environment (Beune & Giebels 2013:16; Kayuni & Jamu 2015:429). Researchers (Appleyard 2011:18; Bendo 2015:6; Dandurand & Farr 2010:43; Dulume 2016:144; Fery 2012:8; Kayuni & Jamu 2015:426; Khan 2012:29; Newham 1995:6; UNODC 2008:61; Vincent 2016:71) are in agreement that a threat assessment should not be conducted in isolation but be coupled with psycho-social assessment in order to ensure a holistic and intergrated approach to the management of a witness, from which an individual protection plan will be developed.

- **Witnesses experience internal social work services positively compared to external services**

The accounts of participants below point to witnesses' preference for internal psycho-social services as opposed to external services. The UNOCD (2008:48) states that while insourcing psycho-social services is the ideal option with the advantage of providing services to both witnesses and staff members, it is relatively costly. Just like internal personnel, outsourced service providers must be subjected to continuous screening and vetting to ascertain their credibility and ensure that the witness's identity is not compromised (Australian Federal Police Report 2012/13:4; Bendo 2015:5; Irish et al 2000:44; Newham 1995:10; UNODC 2008:48). Below are the excerpts from participants' responses to the issue of internal services versus external services.

**Ntsako:** *"In general OWP has social workers within but because of other reasons or shortage of staff, we are using external social workers. Social workers are important in terms of trying to rebuild the witness's confidence and well-being. Internal social workers play an important role because they are better accessible compared to external ones".*

**Anele:** *"When we admit witnesses we tell them that all communication must be done through OWP and that they must not reveal any information about themselves to people outside the programme. As a result the witnesses do not know how much to reveal to the external social worker. They are also afraid that if the social worker tells the protector what has been discussed in the session, they might get into trouble for having exposed their identity".*

**Jon:** *"If social workers are within the programme, it is easier for witnesses to identify with them because they see them as their life line. The environment in OWP can be hostile in a way but I think the social work profession can assist the witnesses to manage the situation".*

The view of **Anele** that witnesses are not supposed to discuss their circumstances with anyone especially people outside the programme is supported by Kaur (2011: 367) as well as Fyfe and McKay (2010:285) who state that non-disclosure of identity

by witnesses is of paramount importance to their safety. Koedam (1993: 361) found that the need to maintain secrecy by witnesses during therapy affects their chances of recovery negatively. He also stated that when the witness begins to feel comfortable and trust the therapist, they feel a need to disclose information about their true identity to the therapist; something that could jeopardise the safety of both the witness and the therapist, especially where psycho-social services are outsourced.

**Ntsako** remarked that because of the shortage of social workers some provinces have no choice but to outsource social work services. The study of Irish et al (2000:35) identified the lack of support services for witnesses in South Africa as a shortcoming. Appleyard (2011:60) emphasises that in some instances services to witnesses could be outsourced to NGOs and other services providers. However, core services such as protection and psycho-social support ought to remain in-house in order to ensure that the identity of a witness is not compromised. Mahony (2010:99) posits that full-time psycho-social experts are required to address the trauma and anxiety of witnesses as a result of intimidation.

#### 4.3.2.4 Sub-theme: Witnesses' experience and perception of the role of the family

As discussed in Chapter One of this study, some witnesses are admitted to the programme together with their significant others such as family and relatives; some opt to go into the programme alone; while others have no-one who can accompany them (Kaur 2011:366; Koedam 1993:365; Newham 1995:6). Whatever the way of admission to the programme, it interrupts the family functioning and social life of a witness (Council of Europe 1999:11; Fyfe & McKay 2000:293; Mack 2014:228).

This sub-theme is divided into four categories discussed in the next section.

- **Witnesses are alone in OWP without any family**

Analysis of the responses of the three participants below suggest that witnesses who are in the programme alone find it difficult to cope without their loved ones because of the isolating effect and social uprooting of being in witness protection programme. Literature on this subject (Bakowski 2013:3; Demir 2008:67; Fyfe &

McKay 2000:687; Koedam 1993:365; Mahony 2010:55; Montanino 1984:503) suggests that by accepting admission to a protection programme, witnesses automatically subject themselves to separation as they are expected to cut all ties with their past, including family and friends, something which is too difficult for some. They are expected to transit to a new life, conceal their identity yet lead a normal life. On the other hand, they live in constant fear of being recognised by someone from their past (Council of Europe 1999:21; Fyfe & McKay 2000:687).

Witnesses provided differing reasons for being admitted alone to the programme. **Jide** and **Dakalo** mentioned that they had no-one at home who could have been admitted together with them. **Steve**, on the other hand, was not informed that he had an option to be admitted with his family. The lack of knowledge of a witness about the options in this instance confirms the views of participants under sub-theme 4.3.1.2 that some police officers do not give witnesses sufficient information about the programme during the recruitment process.

**Jide:** *“I feel lonely there is no one on my side. I have lost everything by coming here. No-one could come here with me, my sister is working, my brother is studying, it is just the three of us at home and my mother is sickly... we do call each other, they don't feel good about me being away but I told them that they have to be strong. Even myself I do not feel well but I have to stay here, I have no choice...”*

**Dakalo:** *“My challenge is that there is no family around me to talk to, my mom could not come with me, no family routines. I miss my cousins and friends. I am attending school at the moment. I miss spending time with my mom”.*

**Steve:** *“At home I left my wife and children I didn't know that I could bring my family here, I do not have parents, I am here alone and it is very difficult”.*

**Obed** who is a staff member confirmed that witnesses who are admitted on the programme alone experience loneliness. This is what he said:

*“It is very traumatic for all witnesses, especially a parent who has left children at home and vice versa. In the past we did not admit the witness's family and that*

*resulted in a lot of witnesses resigning from the programme...we started to realise some stability after we decided to admit the families of witnesses..."*

**Obed's** view is supported by Kiprono et al (2015:55) and UNODC (2008:70) that in the early years of witness protection not much consideration was given to family relationships and the impact of separation. This led to witnesses risking their lives by going back home or trying to contact their family. Kayuni and Jamu (2015:432) found that leaving out family members in witness protection programme creates challenges for the programme and falls short of the constitutional right such as the right to family. In recent years, the OWP decided to mitigate these challenges by extending protection to the family of the witnesses.

Literature consulted confirms the views expressed by the three participants above that witnesses experience loss of emotional support of family and friends. This could contribute to long-term psychological conditions such as depression with the possibility of never recovering from the related trauma (Dulume 2016:142; Fyfe & McKay 2000:688; Kayuni & Jamu 2015: 429; Koedam 1993:364). Demir (2018:332) states that as far as possible, countries should extend protection to the family and relatives of the witness. In Albania, like many other countries, admission to the programme includes related persons depending on the concrete circumstances of the family (Bendo 2015:7).

- **Witnesses are in the programme with their family**

Some witnesses are in the programme with a spouse, with children, with relatives, etc. **Isaac** mentioned that he became frustrated after his admission and he started to seek comfort in substance abuse. This is regardless of the fact that he was admitted to the programme together with his wife. **Busi**, on the other hand, was admitted to the programme with her husband and their child but she found the idea of not seeing the rest of her family unbearable. **Bongani** was admitted with his immediate family. However, his children struggled with the distance between themselves and their cousins and grandparents. The responses below demonstrate the extent of witnesses' frustration when admitted to the programme with family.

**Isaac:** *“When me and my wife got here ... I got bored, I didn’t know how to adapt then I started to make friends and drink a lot. This started to get between me and my wife and we were fighting all the time...”*

**Busi:** *“I am here in the programme with my husband. We only brought with us our one son because he was still attending school. It was hard at first; I even did not want to answer the phone when my other children who are at home phoned me. It hurts me that I am not with them.”*

**Bongani:** *“This is difficult...this is one thing that I think can cause emotional breakdown to a witness. Sometimes my children just cry at night because they miss their grannies back home. If I was not believing in God, my family would be emotionally damaged... I don’t have answers to the questions that my children ask... how do I explain to a nine year old when she ask ‘when are we going to see granny again?’. It is difficult for us”.*

It appears that admission to witness protection is disruptive to family functioning regardless of whether a witness is admitted alone or with family (Council of Europe (1999:11). Demir (2018:67) states that after admission to the programme, witnesses are relocated to unfamiliar environments where they are expected to terminate contact with family and adjust to a new identity. According to the UNODC (2008:70), isolation as a result of breaking social bonds and family relationships creates psycho-social challenges for witnesses. Stepakoff et al (2017:281) emphasise that the creation of human connections is vital in the trauma recovery of witnesses.

- **Witnesses’ children find it difficult to adjust to the programme**

The company of family or relatives for witnesses in witness protection programme is generally viewed as a positive aspect in the life of a witness; however, it appears that it comes with its own challenges. Children, although innocent, are often part of witness protection because of their parents’ admission to the programme. Researchers agree that children mostly find it difficult to adjust in witness protection; they struggle to maintain a secret, to make new friends, to fit in the new schooling environment and are often unable to cope with the feelings of homesickness more

than adults (Beune & Giebels 2013:18; Council of Europe 1999:21; Koedam 1993:365).

The views of **Selina**, **Lufuno** and **Thapelo** below reflect the challenges faced by children who are with their parents in witness protection.

**Selina:** *“For my children it is hard because they grew up being very close to my family. They miss my family a lot. Sometimes they go out of control. When we speak about home and family, I can see their facial expression and body language. I can see that it hurts them a lot that they cannot contact them that much”.*

**Lufuno:** *“I am already having a big problem with my big son he is swearing at me, he wants to fight with me. I drag him out of bed in the morning to go to school. They won’t understand why I am testifying against their father...they want to go home, they want their father... ”.*

**Thapelo:** *“...I am admitted here with my wife and three children. We have to survive on R1 350 per month... It is killing my children because they cannot eat food that they are used to eating. This frustrates children because they cannot contact their friends and grandparents...The children do not have a sufficient place to play because the neighbour complain about noise. I feel like I am in prison”.*

Kaur (2011:367) is of the view that unlike adults, children struggle to “assimilate themselves” into the unfamiliar environment leading to their identity being compromised. According to UNODC (2008:62), children and youth are the most difficult and demanding group to manage in witness protection programme. The study by Vincent (2016:30) revealed that a family in Victoria was referred to receive psycho-social counselling after a child’s behaviour almost compromised the safety and identity of the family. Montanino (1984:506) states that the inclusion of children in the programme is perceived to be stressful by witnesses because of difficulties in adaptation and less appreciation of the amount of threat that the family is under.

- **Promises of family contact do not materialise and witnesses resort to initiating unsafe contact**

By entering the programme, witnesses are faced with the harsh reality of cutting contact with their families. Despite support from witness protection officials, entering the programme is a radical and permanent change in the life of a witness and that of their family. This is exacerbated by the lack of social networks as a result of keeping up with the principle of maintaining secrecy about their identity in the new environment (Bakowski 2013:3; Beune & Giebels 2013:17).

The success of witness protection depends on the principle of non-disclosure of identity and location of a witness. The memorandum of understanding that is signed between the witness and the OWP prohibits the witness from maintaining any direct contact with their family and friends in an effort to prevent disclosure. This means witnesses rely on the OWP to facilitate a safe and conducive opportunity for them to see their family while under protection (Appleyard 2011:70; Beune & Giebels 2013:17; Fyfe & McKay 2000:682; UNODC 2008:65).

The accounts of participants below point to the challenges experienced by witnesses regarding isolation and promises that are not met in relation to family contact.

**Thabo:** *“OWP promised us that we will be able to see our family every year. I have written letters applying for a family visit but I received a response saying there is no money. Last year as well there was no money and the previous year again there was no money... we could not even attend the funeral of our mother... my wife is still battling emotionally with the fact that she could not fully mourn and grieve for her mother’s death”.*

**Bongani** *“The last thing that I need to say is, everything that we need from OWP, we have to apply with a letter and I do not know how they evaluate the letter...they also say there is no money for family visit, I have applied seven times with letters for a family visit, but the feedback is a no and it is verbal...It is not easy. This is the difficult part because we are not supposed to be in contact with our family. What was promised to us is that we will be able to visit our family every six months...”*

This challenge was also noted by **Palesa** who is a staff member at the OWP, this is what she said:

*“...for example when a witness signs up for the programme, they sign for something but the reality of the programme is different...for example on the admission forms the witnesses are told that they will be able to see their family through a family visit after a certain period of time, however when they make applications for that, we tell them about financial constraints I do not understand why witnesses must write requests about everything instead of standardising what witnesses must receive or what they are entitled to...”*

The concern of **Bongani** regarding requests that are made in writing is confirmed by Irish et al (2000:23) that witnesses in OWP are expected to make written applications to the National Director for a family visit. Dandurand & Farr (2010:36) found that witnesses are mostly in a vulnerable position during admission to the programme, in instances where authorities make promises which they do not honour at a later stage witnesses find that they have no recourse. According to Appleyard (2011:70), Mahony (2010:32), Kayuni and Jamu (2015:434), witness protection programmes should avoid creating misunderstandings, expectations and promises that cannot be fulfilled. The issue of false promises was recorded by Irish et al (2000:34) who found that witnesses in South Africa expressed their disappointment regarding promises that were not met by the protection programme such as financial support.

Beune and Giebels (2013: 28), as well as Vincent (2016:30), state that the isolation of witnesses from their loved ones leads to serious mental distress. Koedam (1983:363) and Mack (2014:227), on the other hand, found that there is a link between mental distress and the higher than average suicide of witnesses in the USA. While some witnesses are able to tolerate isolation, some find it incredibly taxing to be away from their families and resort to going back home, and by so doing putting their lives in danger (Dandurand & Farr 2010:46). Mahony (2010:55) posits that witnesses are social beings who cannot live their lives in isolation. Thus, deprivation of social contacts and the lack of formal family reunion are likely to tempt witnesses to break the rules of the protection agreement by initiating unsafe contact

with their families. This is supported by Beune and Giebels (2013:87) who revealed that a witness' safety in the Netherlands was compromised after he made contact with his family. Similarly, Koedam (1993: 366) revealed that a woman who had left her young child with her mother back home in the Federal Security Witness Protection Programme compromised her security by contacting her family as she could no longer bear the thought of her child growing up without her.

Some of the reasons mentioned for the lack of family reunion in witness protection are financial difficulties, as noted by **Thabo** and **Palesa** above. Several authors maintain that while funding witness protection programmes is costly, shortage of funds may lead to prioritising witnesses' physical protection as opposed to their rights such as access to psycho-social services, family contact, access to medical care, etc. The cost of running a witness protection programme should thus be weighed against the benefits which include efficient prosecutions, strengthening the rule of law, and combating impunity (Dandurand & Farr 2010:56; Dulume 2016: 145; Kiprono et al 2015:51; Mahony 2010:12; UNODC 2008:95).

#### 4.3.3 Theme Three: Witnesses' experiences, challenges and coping strategies related to being in witness protection

This theme emerged from the responses of participants to the following question posed to them: **“What challenges do you experience in the OWP and how do you cope with such challenges?”** The responses of witnesses are supported by staff members who were asked a similar question **“What challenges do witnesses experience in the programme and how do they cope with such challenges?”**

The accounts of both population groups suggest that witnesses' lives are impacted negatively by their admission and stay in the OWP and they find it difficult to cope. The crisis theory by Caplan (1964), suggests that people experience a crisis when they are confronted with life-threatening situations that cannot be easily resolved by applying familiar coping strategies.

This leads to increased anxiety and the inability to function. The challenges that are experienced by witnesses such as threats on their lives cannot be immediately resolved, hence admission to the programme. Witnesses find themselves in a state

of crisis because of having to testify against dangerous criminals whose intention is to silence them through intimidation tactics. Montanino (1984:505) on the other hand, states that witnesses experience psychological imbalance because of the living conditions in witness protection that result in difficulties in adjusting and coping in the programme. According to Walinga (2014:18), the inability of witnesses to cope is exacerbated by the lack of resources to mitigate their challenges. When witnesses sign up for admission to the programme, they lose resources such as an income and social networks without which coping and adjusting to the programme becomes difficult. Topper and Lagadec (2013:4) suggest that loss of normality, stability and certainty result in a state of crisis. Witnesses find themselves in unfamiliar environments without their daily routine that gives them stability and they also experience uncertainty about the future in terms of safety and family functioning when they finally exit the programme.

The following five sub-themes are construed from the answers of participants to the above question:

- Witnesses experience boredom and loneliness
- Witnesses experience the rules of the OWP as isolating
- Witnesses find employment to be a challenge
- Witnesses' experience and coping with support services
- Witnesses' general coping strategies in dealing with challenges

#### 4.3.3.1 Sub-theme: Witnesses experience boredom and loneliness

Social uprooting and restricted movement affect witnesses negatively. The responses of participants show that most witnesses, especially those who are alone in the programme, are lonely and bored, with nothing much to do with their time. This is because witnesses who are admitted to the programme are not allowed to maintain contact with the outside world, including family, friends and colleagues. This complete isolation is required to protect the witnesses' identity and location from the perpetrators of crime whose aim is to kill them.

- **Days are typically unvaried and relatively empty**

From the utterances of participants below, there is a clear indication that witnesses in OWP struggle with loneliness and boredom, especially those who are admitted

alone without family. Researchers are generally in agreement that witnesses experience boredom as a result of loss of identity, restricted movement and being uprooted from their social networks to new environments where they are not allowed to establish new friendships (Beune & Giebels 2013:16; Dulume 2016:142; UNODC 2008:64). Kankaew (2010:95) is of the view that a lengthy stay by witnesses in the programme without social networks results in boredom. The study of Irish et al (2000:35) on witness management in South Africa revealed that some witnesses experienced boredom because of continuously sitting in the safe house with nothing to do. Witnesses described their experiences of loneliness and boredom as follows:

**Thabo:** *“If we do not go out to the shops, or submit my CVs then there is nothing else I can do. I can’t just go out all the time because everything needs money. Basically, for me it is from my bed to the couch and from the couch back to bed. Then I struggle to fall asleep during the night because my body gets tired of sitting and sleeping the whole day. It is very difficult”.*

**Vela:** *“It is quite boring because ....there is nothing interesting. It would help if there were certain tasks and programmes that witnesses could engage in. Maybe OWP can find tasks and activities for witnesses like give us small jobs to do for the office, even if we do not get paid for it. Sitting alone, doing nothing and not being allowed to socialise is like killing us slowly”.*

The views of witnesses about loneliness and having nothing to do with their time in OWP are corroborated by protectors:

**Tumelo** *“That is a problem, it frustrates witnesses to an extent that they think it is not worth it to be on the programme, and they feel lonely. Witnesses don’t know what to do with their time; they are also not allowed to travel far from the safe house”.*

Isolation from one’s identity often results in loneliness and other psycho-social problems such as difficulties in adjusting to the new culture of the community where the witness is relocated (Kayuni & Jamu 2015:430). In addition to the psycho-social intervention provided by the witness protection programme, witnesses need support

systems for recreation and self-development in order to become productive and avert feelings of boredom and loneliness. Literature consulted on the issue of social uprooting in witness protection confirms that witnesses lead a lonely life of concealment and constant fear of being recognised (Beune & Giebels 2013:17; Council of Europe 1999:20; Koedam 1993:364).

- **Witnesses cope with empty and boring days in different ways**

Witnesses deal with the challenge of boredom and loneliness in different ways. Some keep themselves busy with household chores, some find comfort in the use of substances such as alcohol, some take the risk of maintaining contact with their friends and family, while some resort to leaving the programme against the odds of being killed outside the programme without protection. Heffer and Willoughby (2017:2) state that sometimes people tend to cope with difficulties by seeking support, intake of alcohol and self-blame. The extracts from witnesses and protectors' interviews below describe how witnesses cope with boredom and loneliness in witness protection.

**Vela:** *"It is quite boring because I will wake up, clean the same house, cook or maybe go to town. Maybe read a book..."*

**Thabo:** *"My life became lonely. It changed because there is no support here; no family...the neighbourhood where I come from is very busy. When I got here it, was quiet, I got bored, I did not know how to adapt. Then I started to make friends and drink a lot... it is like taking a lion from the wild and put it into the zoo. It was hard for me to adapt. One way for me to cope with painful situations is to try to forget about it and just keep to myself, I just try to block it out. I know that it is a dangerous way of coping with situations but I have no choice. With my wife it's different, she copes with trauma in a different way, she cuts herself, try to commit suicide and many other ugly stuff".*

**Tumelo:** *"Because of loneliness some witnesses would just leave the programme, without even telling us and when we get to the safe house we find that he has stolen some items and left. Some would just leave the safe house unlocked..."*

**Tumelo** is a protector and his view is that loneliness often drive witnesses to withdraw from the programme prematurely.

From the accounts of the participants above, it appears that the stress of living away from home affects witnesses negatively and often leads to premature withdrawal from the programme. According to the NPA Annual Reports and Dandurand & Farr (2010:46), in South Africa 547 witnesses, for example, withdrew from the programme during the period 2002 to 2019 because of the difficulties experienced in the programme. The study of Irish et al (2000: 35) in South Africa revealed that three witnesses who were due to testify in a taxi violence case were killed after they withdrew from the programme in 1997 because of their inability to adjust to the living conditions in the programme.

Existing research in witness protection suggests that the difficulty of witnesses to cope with loneliness may lead to pessimistic thinking such as suicidal thoughts (Koedam 1983:363). Beune and Giebels (2013:11) state that some witnesses manifest the impact of loneliness through anti-social and aggressive behaviour where some witnesses internalise their feelings, something that is harmful to them. Some externalise their frustration through violent conduct to themselves and their immediate environment. Witnesses also resolve to reduce their stress levels by making use of substances such as alcohol and drugs while some resort to initiating unsafe contact with their family back home (Irish et al 2000:35; Mahony 2010:55). Abandoning the programme is another manner of coping for some witnesses. This means facing the risk of being killed within the same community from where the witness was initially removed for safety. (Bakowski 2013:3; Beune & Giebels 2013:55; Fyfe & McKay 2000:684; Kaur 2011:367; Mack 2014:236; UNODC 2008:75).

4.3.3.2 Sub-theme: Witnesses experience the rules of the OWP as isolating  
The responses of participants regarding the challenges faced by witnesses in protection suggest that witnesses find the rules of the programme to be restrictive on their movements and impeding socialisation. Beune and Giebels (2013:25) and Mack (2014:227) hold that witness protection programmes entails restrictions in terms of rules and procedures that are imposed on witnesses. They are required to

fully co-operate with authorities and observe the strict rules of the programme (Kayuni & Jamu 2015:431; UNODC 2008:71). The study of Koedam (1993:365) found that these rules which are necessary for the protection of a witness come at a huge cost to the psycho-social well-being of those who are under protection. As discussed under sub-theme 4.3.2.4, upon entering the programme, witnesses are expected to sign a memorandum of understanding also referred to as a protection agreement. This agreement details the terms and conditions of the protection (Appleyard 2011:70; Beqiri 2017:347; Dandurand & Farr 2010:46; Council of Europe 1999; Fyfe & McKay 2000:285; Mack 2014:228; South Africa 1998).

Witnesses are also expected to refrain from traveling to other locations outside the area where they are relocated, and to maintain a low profile so that they are not easily recognised (Fyfe & McKay 2000:682; UNODC 2008:68). As time goes by, these conditions result in isolation. The following four categories give insight into the impact of the rules on witnesses' lives.

- **The rules impede socialisation**

The accounts of the participants below give an indication that witnesses experience a long-term negative impact of isolation (Bakowski 2013:3; Koedam 1993:365). This is how participants expressed their frustration on the issue of socialising, creating new social networks and moving on with their lives:

**Pontsho:** *"...No I am not able to meet new people and socialise since being on the programme because people are going to ask questions, I just greet the neighbours and walk away".*

**Isaac:** *"That word friend is killing me because I can't make friends like I did before I came here. They will ask who I am and I cannot tell them the truth. If I tell the truth, they won't want to be friends with me. I can't tell people who I am and where I am from. That is a challenge. That is why I think a witness must not stay in one place for a long time. It is easy to lie for a day or a month but not for the whole year... so most of the time I just sleep... I won't say they are my friends like friends I had before, they are just people that I know".*

**Dakalo:** *“I have met few people and tried to make friends, but it is hard because I don’t know who to trust. It is hard to explain to people who I am, where do I stay and where do I come from or how do I pay rent for my apartment... because I am not employed”.*

The essence of what witnesses are saying is that they live in isolation because of fear of being identified and also because they do not know who to trust. They continuously look over their shoulder to make sure that nothing they do or say link them to their past (Demir 2008:67; Fyfe & McKay 2000:282; Koedam 1993:364). According to Irish et al (2000:3) and Kaur (2011:367), isolation of witnesses lead to the inability to create social networks, a lack of economic activity, and an inability to adjust and cope well in the programme. Fyfe and McKay (2000:294) state that while witnesses are happy to be protected, they continue to experience anxiety because of isolation and loss of autonomy. According to Stepakoff et al (2017:271), social uprooting and isolation are the two main challenges faced by witnesses in witness protection programmes.

- **The culture and language of people in the new surroundings are unfamiliar**

Witnesses are relocated randomly throughout the country according to the level of threat, sometimes even outside their country of origin (Fyfe & McKay 2000:285). This means they do not get to choose where they want to be relocated. Rather, the safety of the witness and the level of threat plays a central role in the relocation process (Dandurand & Farr 2010:34; Demir 2018:67). More often a witness is relocated to an unfamiliar community with a different language and culture (Beune & Giebels 2013:55; Council of Europe 1999:18; Demir 2018:68). The study of Irish et al (2000:38) on witness management in South Africa found that a Zulu-speaking youth was placed in an Afrikaans medium school despite the fact that he could not speak Afrikaans and this caused unpleasantness for the family and adjustment challenges for the child.

This finding is echoed in **Thabo’s** and **Dakalo’s** responses below:

**Thabo:** *“People can see that I am not from this place because of my language, It’s not easy”.*

**Dakalo:** *“There was a very big impact on my life because I had to adapt to a new culture, new languages and new people, new space that I was not accustomed to. People here do and say things differently and there are things I should do or not do...”*

**Selina:** *“But where we are placed is mostly white and black people. It is hard for us because we are the only coloured here”.*

Protectors made similar observations regarding the difficulties faced by witnesses because of being relocated to unfamiliar communities with different languages and culture.

**Tom:** *“No I don’t think they [witnesses] are coping, coming into an unfamiliar environment, having to make new friends. Witnesses find it difficult. Obviously the rules were created for the safety of the witnesses but I think they are intrusive on witnesses, and I think that this is something which could be done better”*

In turning to literature to find support, Kaur (2011:366) as well as Kayuni and Jamu (2015: 426), state that factors such as religion, culture, and the background of the witness must be taken into consideration during the relocation process in order to ensure that witnesses are able to fit into their new environment with ease. The UNODC (2008:79) states that the identity of a witness who is relocated into a different community should stand up to scrutiny in terms of ethnicity and socio-cultural background. This will help witnesses to moderate stress caused by isolation. Dulume (2016:142), Kayuni and Jamu (2015:426) as well as Newham (1995:5), are of the view that relocation without regard to geographical considerations is alienating, disturbing and could lead to stress with the possibility of adaptation challenges.

- **The rules restrict movement/mobility**

It is difficult enough to leave family behind and try to adapt to the new environment. Witnesses are expected to limit their movement and maintain a low profile to manage the threat on their lives. Beune and Giebels (2013: 17) are of the view that restricted movement can only add to the overwhelming difficulties of adjusting to witness protection programmes, as witnesses are not able to come and go as they please resulting in feelings of helplessness.

The participants expressed their frustration as follows:

**Busi:** *“Sometimes I feel like I am in prison because I can’t go here, I can’t go there. I can’t do this and that. It is very difficult”.*

**Vela:** *“OWP is like a jail, model C jail...OWP policies says no one must be in the safe house except for the witness. You cannot live alone; we need friends that can come over for a few hours even if it is not sleeping over. We need to interact with other people. Those are some of the challenges in OWP. It is like you are expected to live alone, when you go to town you need to say I am going to town, report to the protector, it is like you have to account for everything you do. It feels like babysitting of a ten year old child”.*

**Tebogo** who is a protector corroborated the views of witnesses regarding freedom of movement. This is what she said:

*“I think witnesses are not free, they are not allowed to travel or go anywhere”.*

Newham (1995:11) is of the view that too much restriction results in witnesses being highly dependent on the protection team, and this hampers the ability of witnesses to be self-reliant after they have left the programme, especially those who are not able to go back home. **Busi** and **Vela** equate the conditions of being a witness in OWP to that of being a prisoner in terms of not being able to do this and that or travel to a destination of their choice. The study of Irish et al (2000:34) in South Africa found that some witnesses likened witness protection to a prison because of the flawed processes and the living conditions within the programme. After being relocated to the new location, witnesses are discouraged to travel outside their new home area (Bakowski 2013:3). Fyfe and McKay (2000:683) established that after

admission to the programme, witnesses found themselves surrounded by strangers, with no control over whom they met as a result of regulated and restricted movement.

- **Witnesses cope with the isolating effect of the OWP's rules in various ways**

In trying to cope with the rules and adjust to the programme, witnesses use various ways of coping, both negative and positive. Some witnesses such as **Thapelo** and **Busi** prefer to isolate themselves and avoid making friends while **Isaac** survived by telling lies whenever his friends asked about his origin. The study of Koedam (1993:464) confirms that witnesses tend to isolate themselves from the larger community owing to fear of what could happen to them if they accidentally divulge information about their identity. A witness could also be dismissed from the programme if they reveal their identity (Beune & Giebels 2013:17; Fyfe & McKay 2000:682; South Africa 1998:section 13).

**Busi:** *“No I am not able to meet new people and socialise because they are going to ask questions. We rather stay like this as a family”.*

**Thapelo:** *“I tried to make friends, it turned out to be a disaster, and I was almost dismissed from the programme because of that. So, we have now decided to stay here and be our own friends. Just to avoid talks, we greet anyone who greets us but we will not open our door to socialise with the people around here”.*

**Isaac:** *“Sometimes it is difficult to socialise. I stay here in the suburb and many people who stay here are working and I am not working...People ask questions and I have to tell lies all the time. People can see that I am not from this place because of my language. Sometimes when I try to make friends, they want to know why I came to this town and I lie. It is dangerous to lie to people all the time. We are also not allowed to have friends in the safe house because while I have a visitor, the protector might come and I would not know what say. It's not easy”.*

According to Mack (2014:232), witnesses are agreeable to the strict rules of the programme at the time of their admission because of the immense threat to their

lives. However, once they begin to feel confident, they realise that they can no longer sacrifice their identity and keep away from their social networks. Koedam (1993:365) found that witnesses in the US Federal Witness Protection programme resorted to leaving the programme prematurely rather than be subjected to strict rules. Bakowski (2011:3) and Dandurand & Farr (2010:45) state that witnesses find it difficult to cope with restrictions on their freedom and movement and resort to returning back to their danger areas.

4.3.3.3 Sub-theme: Witnesses' find employment to be a challenge  
 Most witnesses lose their jobs when they enter the programme; some were self-employed and lost their business; some are struggling to secure jobs because they have got criminal records; while others are restricted by the principle of confidentiality in terms of non-disclosure of their true identity, work history and physical address (Fyfe & McKay 2000:684).

Given that it is generally difficult for witnesses to secure employment, most countries support witnesses financially and at the same time, they try to assist them to secure employment (UNODC 2008:56).

- **Witnesses struggle to secure employment while in OWP**

Unemployment is a serious challenge in South Africa, however it appears that it is even harder to secure a job whilst in the programme. According to the Statistics South Africa (STATS SA) report (2018:1) the unemployment rate is 29.0 % out of the population of 57.7 million South Africans. Isaac's frustration is that without a job, he had to depend on the monthly allowance that is also not sufficient to meet his basic needs (Council of Europe 1999:19). The issue of monthly allowance and financial support of witnesses in OWP is discussed at length in the next section.

This is what **Isaac** said:

*“As a witness it is not easy to find a job. I know that unemployment is a problem for the whole South Africa but maybe OWP could assist us to get jobs. It is not good to rely on the monthly allowance, at least a piece job will help, we have needs that we cannot meet because the monthly allowance is not enough”.*

**Steve:** *“Before I came on the programme I was self-employed. I worked as a welder and as a boilermaker but I do not have certificates for these jobs. I approached a number of companies in this area and they are willing to give me a job but they require certificates for the jobs, OWP refused to help me pay for the course so that I can obtain the certificate”.*

**Lufuno:** *“Sometimes I try to go out and look for piece jobs. It is hard because I need to disclose where I stay; I have now learned to lie about everything. Always making up lies. I went to a job interview last week and when they saw my physical address they just said I am not serious about the job, if I can afford to live in this area then I cannot be looking for a job in a restaurant so it is hard for a witness to live a normal life”.*

It appears that some witnesses like Steve terminated their employment or activities that provided an income when they came into the programme. On the other hand, the OWP has no systems in place to assist such witnesses to secure jobs. Another challenge, as noted by **Lufuno** above, is that witnesses are not allowed to disclose their identity and location to anyone outside of the OWP. It becomes a challenge when they have to reveal details such as their identity documents, history of employment and sometimes a proof of address as well. **Steve**'s account that OWP could not assist him to pay for a skills training course, confirms a statement by **Fumani** Under sub-theme 4.3.2.2 that witnesses are not treated the same in a sense that some requests are approved while some are declined. **Thabo** under sub-theme 4.3.2.2 expressed gratitude to OWP for paying for his welding course. It appears that there are no clear guidelines on what to approve and decline. **Anele** in sub-theme 4.3.5.2 suggest standardisation of procedures to avoid relying on individual discretion when it comes to decision making.

**Tshepo** who is a staff member at the OWP agrees that witnesses struggle to secure employment while they are in the programme. He said:

*“In terms of employment it is difficult because of the stringent policies that some companies apply, they need the proof of address and ID documents, the witness is not allowed to reveal their identity. We encourage witnesses to look for jobs yet we also don't allow them to expose their identity, it's not easy for them”.*

In some countries such as the US Federal Witness Security Programme, witnesses are assisted to obtain a reasonable job while they are on the programme (Mack 2014:225). However, the study of Koedam (1993:364) revealed that the same programme has a spotty record in actually finding jobs for witnesses. It appears that unemployment of witnesses is a challenge in most countries. The success rate remains low even in countries committed to assisting with job placements. While some witness protection programmes assist witnesses to find jobs, it is difficult to provide a positive reference for them because some of them have criminal records (Council of Europe 1999:19; Kaur 2011:367; UNODC 2008:72). Newham (1995:5), on the other hand found, that witnesses struggle to find jobs as they are relocated to unfamiliar areas where they do not have any contacts.

According to Irish et al (2000:42), there is a need for a thorough assessment of witnesses at the initial stage of the programme to determine the type of skills and rehabilitation programmes that would assist to prepare them for a future outside the witness protection programme. This would help witnesses who struggle to secure jobs because of a lack of skills.

- **Witnesses cope with employment challenges in various ways**

It appears that without intervention by the witness protection programme, finding employment is a huge challenge for witnesses. The extracts from participants' interviews below describe how witnesses cope with the lack of employment.

**Dakolo** mentioned that she survives by lying and making up stories as she is not allowed to disclose her real identity to the potential employers.

*"Sometimes I try to go out and look for piece jobs. It is hard because I need to disclose where I stay, I have now learned to lie about everything. Always making up stories".*

**Thabo**, on the other hand, tried to upskill himself by attending a welding course. However, he is still struggling to secure a job.

*“Despite completing a welding course, I am still struggling to find a job”*

**Obed** is a staff member and he suggests that one way to deal with the challenge of unemployment would be to empower witnesses with skills development programmes that would help them improve their chances of getting jobs. This would be more useful for unskilled witnesses.

**Obed:** *“We have some educational programme, where we assist witnesses with skills training but this has not been rolled out in a structured manner. Some regions implement it but for those who do not do it, there is nothing we can do about it as we do not have a policy on it. The only legislation on our side is the Constitution. I strongly feel that we need a formal guide on this one. This will help to improve the circumstances of witnesses so that by the time they leave the programme they can get jobs. Unfortunately, with no skills, some will have no choice but to go back to crime”.*

This suggestion about skills training is supported by Irish et al (2000:38) who state that rehabilitation and training of witnesses is vital to help to provide them with a substitute for crime when they are discharged from the programme. Depending on circumstances, some countries offer a low interest loan for witnesses to start small businesses when they exit the programme (UNODC 2008:69). For example, in Italy witnesses are provided with educational skills or are assisted to find jobs (Bakowski 2013:3).

Similarly, Koedam (1993:363) found that in the USA, witnesses are provided with a stipend until they find a job after exiting the programme, or they undergo skills training that will improve their chances of getting a job and for this reason they are expected to aggressively look for employment. The skills training is intended to improve the employability of a witness but also serves as rehabilitation without which unskilled witnesses who have enjoyed the proceeds of crime previously are likely to return to crime as their only means of earning an income (Bakowski 2013:3; Kaur 2011:368; Mack 2014:234; UNODC 2008:72). Dulume (2016:145), on the other hand, emphasises that the issue of skills development, sustainability and self-sufficiency should be given attention from the initial stages of admission so that

witnesses are well prepared to stand on their own even prior to their discharge from the programme.

4.3.3.4 Sub-theme: Witnesses' experience and coping with support services  
This theme provides insight into the services that are available to witnesses in OWP and how they perceive such services. The following categories presented below give a description of the various support services such as accommodation, financial allowance, medical care and integration.

- **Witnesses are concerned about their accommodation**

Witnesses are mostly removed from the danger area and relocated to a safe location where they are accommodated in safe houses, generally in temporary accommodation while a permanent and suitable accommodation is sought (Appleyard 2011:87; Fyfe & McKay 2000:287). This is obviously to ensure safety of the witnesses and to neutralise the threat on their lives. This category is further divided into three sub-categories as presented below.

- **Unsuitable location of some safe houses**

While witnesses are happy with their safe house, some find the location of the safe house to be unsuitable. Selina's concern had to do with the location or the community where her safe house is situated. This is how she described her concern:

**Selina:** *"I just feel that we are accommodated in a wrong place...I don't think I will advise anyone to come into OWP because there are so many challenges that we find here...I am not racist but where we are placed it is mostly white and black people. White people dominate, whenever there is something wrong in the complex, everyone come to my door, because we are the only coloureds here, it is hard. It is irritating and frustrating that we are the number one suspects whenever something is wrong in the complex".*

**Dakalo:** *"I went to a job interview last week and when they saw my physical address they just said I am not serious about the job, if I can afford to live in this area then I cannot be looking for a job in a restaurant so it is hard to live a normal life".*

**Dakalo** found that the location of her safe house did not match the standard of her lifestyle and it is restrictive in terms of getting employment in that area. This concern is corroborated by **Tshepo**, a staff member in OWP who stated that some safe houses are unsuitable in that they are isolated and make it hard for witnesses to adjust to the new environment.

**Tshepo:** *“Being away from their familiar environments or not being accommodated in the area where the witness can fit or be able to go to the shopping malls is a problem. Some safe houses are on the outskirts of town, away from shops and malls”*

In turning to literature to find support, scholars emphasise that it is important for witnesses to be accommodated in areas where they can easily identify and fit in with the community. This will assist in terms of socialising, seeking employment and being able to move on with their lives without suspicions about their identity (Dulume 2016:142; Kaur 2011:366; Kayuni & Jamu 2015:426; Newham 1995:5; UNODC 2008:79). Also see sub-theme 4.3.3.2 on the experiences of witnesses regarding the rules of the OWP.

- **The community is suspicious about the identity of the safe house**

The reason why witnesses are moved from their danger area is primarily to protect them from danger. The safe house is expected to be a safe place and not draw attention to the witnesses, something that can result in the identity of the witness being exposed (Appleyard 2011:87). The accounts of the witnesses below suggest that the identity of the safe house is not always a secret.

**Lufuno:** *“My only problem is that some people know that this house is a safe house, it looks like the witnesses who used to stay here were talking a lot, exposing their identity to people and now people know that this is a safe house”.*

**Isaac:** *“I stay here in the suburb and many people who stay here are working and I am not working. When they see that I stay here and I don’t work they ask questions and I have to tell lies all the time. People can see that I am not from this place because of the language”.*

The concern about the identity of the safe house is corroborated by some officials in the OWP. They described their concern about the utilisation of safe houses as follows:

**Tumelo:** *“The important issue to note is that we should not use one accommodation more than once. For example, one witness was placed in a safe house where the previous witness was. The previous witness was apparently involved in hijacking trucks whilst on the programme and storing stolen goods at the safe house. One morning the police without knowing that that was a safe house and that the previous witness was no longer there, went to conduct a search at the safe house. The witness and his wife were left traumatised as a result. This is why I am saying that we are putting witnesses’ lives in danger by using one safe house over and over again. The safe houses must be used once, I understand that...we want to get value for money but that value for money could lead to the death of a witness”.*

Stepakoff et al (2017:272) and Vasile (2015:187) draw attention to the fact that the safe house must not be known to the general community as that could be detrimental to the life of a witness. Vasile (2015:187) further specifies security measures that should be put in place by the protection programmes to ensure complete safety of witnesses such as a protective fence or wall around the safe house, controlled access, installation of CCTV cameras around the property, a room with fire protection where possible, as well as installation of a surveillance system where possible. Similarly, Paunovic et al (2013:29) state that information regarding witness protection is an official secret and must never be revealed to anyone outside of the programme.

The Council of Europe (1999:19) suggests that a witness should rather be moved more than once whenever there is a reason to believe that the identity of the witness or the safe house is compromised. This includes instances where a family member resigns from the programme while other family members remain in the programme, as members of the witness’s family who are not in the programme are not supposed to know the location of the safe house.

- **Witnesses experience financial support as inadequate**

Witnesses lose their financial independence when they enter witness protection. Some witnesses are forced to quit their employment for the sake of their safety. Others have no formal employment but they are able to survive through the support of family and friends (Irish et al 2000:37). As a result, most witness protection programmes provide financial support for witnesses as part of witness assistance (UNODC 2008:28). The biggest challenge faced by witness protection programmes is that often the financial allowance for witnesses is critiqued and perceived as a reward in exchange for witnesses to give testimony as a way to aid the prosecution team. It is for this reason that protection programmes when determining the amount of financial support, operate on the principle of not improving the standard of life of a witness and their economic conditions but to maintain the same standard of living of a witness prior to joining the programme (Bendo 2015:7; Council of Europe 1999:20; Fyfe & McKay 2000:675; UNOCD 2008:69). Irish et al (2010:37) argue that while the purpose of financial support is not to improve a witness's life, witnesses should not find themselves in a worse financial position than they were prior to joining the programme.

- **The monthly allowance is inadequate**

The purpose of financial allowance or stipend in witness protection programmes is to assist the witnesses to regain some level of financial independence and to help them to assimilate in their new environment as they are mostly unable to continue with their jobs (Council of Europe 1999:19; Fyfe & McKay 2000:331; Mack 2014:226). ) In the OWP, witnesses who were unemployed prior to their admission to the programme or were unable to produce proof of income receive R750 per month (De Wet 2016:1). Those who were employed receive an amount equivalent to their salary, referred to as a salary replacement only reimbursed for legal and demonstrable income. Witnesses are not compensated for income generated from criminal acts (Beune & Giebels 2013:21; Council of Europe 1999:20).

The accounts of participants in this study regarding financial support suggest that most witnesses are faced with hunger and are unable to meet basic needs owing to insufficient financial support made available to them in OWP.

**Bongani** and **Selina** raised concerns about the inconsistency between their salary before they entered the programme and the salary replacement they receive.

**Bongani:** “...My wife receives all her salary replacement but mine is deducted and I am not sure how it was calculated”.

**Selina:** “... back home I received a stipend of R5 000. When we came on the programme, they said they will see how to help us with that but it did not happen and I was not given a reason for the discrepancy... We are a family of six, how do we survive on R1 350 to provide for the family for the whole month? We cannot compromise groceries; the children need to eat. So, it is hard, we run out of food before we receive an allowance for the next month...”

From these remarks, it appears that some witnesses were inconvenienced and disadvantaged by entering the programme in terms of losing part of their salary. What seems to be of concern is that there was no communication or explanation for the discrepancy. Selina’s concern is supported by Mahony (2010:91) who found that witnesses in OWP complained about the promises that were not met regarding financial support. Hamilton (1976:32) is of the view that it is unreasonable and self-defeating for the state to expect witnesses to subject themselves to personal loss and inconvenience to assist the criminal justice system. Similarly, Appleyard (2011:74) emphasises that witnesses should be protected without any extreme changes to the lifestyle that to which they are accustomed. The Council of Europe (1999:20) suggests that the economic situation of witnesses in a protection programme should resemble their conditions before they entered the programme.

**Obed** who is a staff member, acknowledges that witnesses are not coping financially. However, he is of the view that the matter of financial support is beyond the OWP and that intervention by National Treasury and the political leadership is required in finding a solution to the problem. He believes that part of the cause of the problem has got to do with the placement of the OWP under the NPA as a sub-programme. These are his views:

*“...The money that we allocate to witnesses is nowhere near sufficient. This has been going on for about 15 years now. This needs to be dealt with urgently. Some of our assets in safe houses are sold by witnesses to buy food...In conjunction with STATS SA we conducted a research on how much will be sufficient for a witness to buy food, this was also confirmed by the Consumer Council. We have done everything and submitted, the last time I heard our submission was at National Treasury, the Minister of Finance needs to allocate budget for it. The fact that we are a sub-programme of another programme and whenever we need to make a follow up it is through our mother programme. NPA deals with its own issues and ours are secondary issues, besides National Treasury only makes direct allocation of funds up to a level of a programme, meaning as a sub-programme we only receive crumbs from our mother programme.”*

The study of Irish et al (2000:28) found that the biggest dissatisfaction among witnesses in South Africa was the lack of resources including financial allowances. Kiprono et al (2015:55) and Mahony (2010:109) revealed that in South Africa not much attention has been given to financial assistance of witnesses and their families and this resulted in witnesses walking away; abandoning the programme. The study of Minaar (2002:126) in South Africa also revealed that witnesses complained about the inability of the programme to fulfil their financial needs as they were promised during the recruitment phase.

- **Witnesses cope with financial challenges in various ways**

Witnesses find it difficult to cope and survive on the meagre financial support offered to them. They try to cope in various ways. Some continue to maintain contact with their families to seek support. This is obviously against the rule of the programme not to disclose their circumstances in the programme and not to keep contact with family (Fyfe & McKay 2000:285). Others survive by borrowing money from their new acquaintances while others resort to leaving the programme prematurely. The extracts from participants' interviews below give a sense of the coping strategies of witnesses regarding financial support from the OWP.

**Thapelo:** *“Last month we ran out of money before time and I ended up asking for my monthly allowance in advance. I know I shouldn’t have done it because it will affect this month’s allowance but I had no choice, my children were hungry”.*

**Selina:** *“There is a gentleman at work, I normally borrow money from him when I am struggling then at the end of the month, I pay a portion, and again the following month. I survive by borrowing because certain months are really tough then I am forced to borrow money”.*

Staff members such as **Tebogo** believe that witnesses are forced to engage in crime while in the programme because their monthly allowance is not sufficient. This is what **Tebogo** said:

*“I had witnesses who had to steal assets from the safe house because the allowance that they receive monthly is very little. Witnesses receive R750 monthly which I think it’s pathetic and I do not see any top structure, top management of OWP doing something about it”.*

The issue of committing crime and stealing from the safe house comes as no surprise as some witnesses are admitted in terms of section 204 of the Criminal Procedure Act 51 of 1977, meaning they were involved in the commission of crime and are accustomed to engaging in illegal activities (Koedam 1993:362; Mack 2014:226; UNOCD 2008:72). According to Kaur (2011:362), Bendon and Giebels (2013:21), such witnesses are used to leading an expensive lifestyle with proceeds from crime and suddenly they find it hard to adjust their lifestyles and needs to the allowance that they receive in the programme (Council of Europe 1999:23).

The study of Mack (2014:234) revealed that some witnesses in the Federal Witness Security programme resumed their criminal activities whilst in the programme as a result of the strict guidelines. Kaur (2011: 368) is of the view that witnesses leave the programme prematurely as they struggle to cope with hunger while some resort to commit crime in order to feed themselves. The Council of Europe (2015:1), Kariri & Salifu (2016:3) as well as UNODC (2008:69), state that governments should make efforts to prioritise funding of the witness protection programmes as the cost of running a witness protection programme is minor when compared to the success in the prosecution of cases involving serious crimes. Dandurand & Farr (2010:55) are

of the view that funding witness protection activities out of the regular departmental budget is not sufficient and could lead to compromising the rights of witnesses.

- **Witnesses experience challenges with health care services**

Witnesses in OWP raised concerns about the tedious process involved when they need to access medical care. As a result of the difficulties, witnesses resort to paying for their own medical expenses out of their very inadequate monthly allowance.

- **Challenges in accessing medical care**

Health care in witness protection is part of witness assistance. Mahony (2010:55) emphasises that witness assistance is even more important when witnesses require specialised medical intervention. The responses of witnesses below suggest that the process of accessing health care services is cumbersome and frustrating. Some witnesses' view is that they were promised that their needs, including health care, would be taken care of during recruitment into the programme only to find that practically the situation is different. This is how they described their frustrations:

**Selina:** *“Medical care is a nightmare. Not so long ago my son broke his arm and we had to go and wait at the public hospital. My other son had ringworms and after sitting a while in a line that was not moving in a public hospital, I just took him to the doctor and paid more than R700 from my pocket. Why are we subjected to public hospitals where lines are very long?, chances of meeting someone you know in a crowded place are very high”*

**Bongani:** *“At first they said they will look after our medical needs but they have now changed. We have to use public hospitals and that was a shock for me to be in a public institution, people look at us. People here can see that we are not from here, we do not look familiar...”*

**Thabo:** *“when I first made an application to see a dentist, I was told to go and get three quotations from different doctors. That on its own raised my hopes that I would be able to consult the dentist. Another problem is that the quotation alone cost R850 as the doctor regarded it as a consultation...to date my tooth is still painful and I haven't seen the doctor...after acquiring the three quotations, OWP later turned my*

*application down saying there is no money...why do OWP make promises that they cannot keep?"*

Bongani and Selina's fear of being recognised in crowded public facilities is corroborated by Beune and Giebels (2013:17), Council of Europe (1999:20), Fyfe and McKay (2000:687) as well as Koedam (1993:364) who state that most witnesses live with the fear of being recognised, especially in public spaces. In an attempt to manage this fear, some countries such as Scotland arrange private and secure waiting rooms for witnesses in public hospitals while waiting to be seen by the medical team (Appleyard 2011:79). In South Africa the process of consultation in public hospitals is dealt with differently, as demonstrated by Bongani above. Witnesses form part of the lengthy queues to be seen by doctors without any form of protection from being identified by members of the public.

Bhushan and Pranati (2007:30) and Hamilton (1976:30) confirm that witnesses often need medical attention as a result of crime-induced trauma and victimisation experienced prior to entering the programme. Mahony (2010:55) and Khan (2019) emphasise the importance of psycho-social support of witnesses, especially where there is a need for medical attention. Appleyard (2011:70) states that protection programmes should avoid making promises that cannot be fulfilled as that would have a negative impact on the integrity of the programme and its staff.

The researcher is of the view that good governance requires accountability for expenditure of the funds allocated to the OWP. However, it seems onerous that witnesses are expected to make written applications for medical needs some of which require immediate intervention. This is made worse by the system of requesting witnesses to find and compare quotations for doctors' consultation fees on their own. Perhaps collaboration with medical facilities and pharmacists could assist to alleviate the pressure and difficulties faced by witnesses and improve access to medical care.

- **Witnesses cope by carrying medical care expenses themselves**

Witnesses find themselves and their families in a difficult position when it comes to the accessibility of medical care. The extracts from witnesses' interviews below

show that some witnesses are forced to pay for their medical care from the same inadequate monthly allowance that they receive from the OWP. Khan (2013:29) is of the view that effortless access to medical care is part of witnesses' assistance and it needs to be prioritised. The following are extracts from witnesses' interviews describing how they cope with their medical care needs.

**Selina:** *"I have already paid for my child's consultation and the child is better, I did not ask to be reimbursed...sometimes it is a challenge with my son because he plays outside a lot, he gets spider bites but thank God that there is a medical doctor who lives in this complex and he often assist us and also give us advice on how to manage the bites and what medication to buy. When I cannot go to hospital during the night, he assists us."*

**Bongani:** *"If I need to see a doctor and I am told to go to a public hospital again, I will never go and if I end up paying a private doctor with my money, there will be a problem between OWP and myself. It is not easy...people can see that we are not from this area."*

**Lufuno:** *"The last consultation, I paid for my own test results because I needed to do the tests immediately. I did not speak to the protector. I have been previously told that there are financial problems in OWP."*

Lufuno's concern points to the urgent nature of medical care versus the lengthy process of making written applications; waiting for approval; seeking quotations for consultations; and the OWP's financial constraints. These processes appear to be troublesome and add to the existing burden faced by witnesses when it comes to inadequate financial support.

According to Dandurand & Farr (2010:12), ineffective protection measures and the lack of an adequate budget for protection programmes can compromise the psycho-social needs of witnesses. Such a situation may negatively impact the quality of the evidence given by witnesses. Appleyard (2011:59) and Newham (1995:11) assert that while witnesses have a duty to give truthful testimony, it is important to give recognition to their rights and needs such as access to medical care.

- **Witnesses are not positive about the reintegration services**

Witnesses are kept in protection for the duration of their court case and discharged after giving testimony as provided for in the Witness Protection Act 112 of 1998 (South Africa 1998). The length of stay in the programme depends on the processes of investigation and prosecution, meaning a witness could be in the programme for a few months or a number of years. Most of the witnesses in this study indicated that they would not be able to go back home after they are discharged from the programme. This means they have to start a new life somewhere else without resources such as a home, income and a job (Fyfe & McKay 2000:296; Irish et al 2000:39; Newham 1995:12).

**Busi** described her fear of going back home as follows:

*“Reintegration is a problem. That is the main problem at the moment because we are thinking, where are we going when we leave here. If we go back home, you must just put the graves aside for us, especially me because those boys[the gang] who killed my daughter will not think twice before they kill us”.*

Staff members in OWP are also concerned about the ineffective reintegration and lack of aftercare services for witnesses. This is how **Anele** and **Achi** described their concerns:

**Anele** *“There is no aftercare policy in OWP...It would work better if OWP could collaborate with other government departments and discharge witnesses to departments such as the Department of Social Development because they have better aftercare programmes. It is bad because once a witness leaves, our contact with the witness cease. Another issue is the notice period that witnesses are issued with before they leave the programme. It is not enough for a witness to prepare themselves for exit, although there are extensions mostly the extension never goes beyond one month”.*

**Achi**: *“Most of the witnesses go back to the danger area because they have nowhere else to go and they have nothing, not out of choice. We are actually forcing witnesses to go back to their danger area indirectly, the witnesses put their lives on*

*hold for the duration that they were on the programme and when they leave, we send them back to the lion's den".*

**Anele's** account suggests that in South Africa contact between the OWP and witnesses is terminated at the stage of exiting the programme and no further services are rendered. According to Irish et al (2000:23), witnesses are afforded a six week period to exit the programme after they finish testifying. Irish et al (2000:41) also found that witnesses in South Africa are left to fend for themselves after they leave the programme. This could deter future witnesses to join the programme if they think their security will be disregarded once they finish giving testimony. An example of this was reported by Palezweni (2019:1) of the weekend post, the story of Cuyler and Olivier, two witnesses who struggled to cope and reintegrate successfully because of lack of support after they were discharged from OWP. Some of the challenges faced by Cuyler and Olivier are, children dropped out of school because the family could not afford to pay school fees, inability to pay rent and both families were unfortunately unable to return to their homes because of continued threat on their lives.

Appleyard (2011:18), Council of Europe (1999:22) as well as O'Flaherty and Sethi (2010:408) emphasise the need for periodic assessment after termination of the programme in order to determine the persistence of the threat on the life of a witness, and witnesses to be provided with a mechanism to contact witness protection programme when they experience threats. Fery (2012:9) and Kaur (2011:365) assert that protection is not something that can be terminated at once because threats and intimidation are likely to resurface after witnesses have left the programme. The UNODC (2008:75) states that even in instances where a witness decides to withdraw from the programme prematurely, some form of protection must still be put in place e.g. through collaboration with the local police.

Dulume (2016:145) and Koedam (1993:363) go further and say protection programmes must ensure that witnesses are able to sustain themselves after termination of the programme. This could be achieved through job placements, skills training, rehabilitation programmes and sufficient budget allocation for the

programme (Bakowski 2013:3; Dandurand & Farr 2010:45; Irish et al 2000:38; Mahony 2010:108).

#### 4.3.3.5 Sub-theme: Witnesses' general coping strategies in dealing with challenges in OWP

Admission to witness protection is necessary for witnesses to be able to deliver their testimonies without threat and intimidation. It comes, however, with a lot of challenges that require witnesses to adjust their lifestyle and to cope with the experience of a life away from family and friends. Beune and Giebels (2013:16) are of the view that mostly during the first two months of being removed from their danger area, witnesses put emphasis on basic needs such as safety and after they are assured of protection, their attention shifts towards social needs such as establishing a social network, meeting new people and finding a job. If these needs are not met, it creates adaptation challenges for witnesses.

According to Lazarus's theory of coping (1993:235), there is no good or bad manner of coping, but it is either positive or negative with cognitive and behavioural efforts to manage stressful events. People might change from one strategy to another depending on the outcomes. Lazarus (1993:235) further states that coping changes from one period of time to another and from person to person within a stressful event. The level of coping has a direct impact on the ability to adapt to a situation (UNODC 2008:64).

Pacheco and Kamble (2016:62) hold the view that generally people who are confronted with a crisis situation cope by planning and taking action to remedy their circumstances; seeking social support; suppressing negative emotions; psychological disengagement; increasing engagement in religious activities; as well as turning to the use of substances such as alcohol. Effective coping in witness protection means witnesses are able to improve their morale, physical health and social functioning. Data collected from participants in this study shows that most of the witnesses are struggling to reach positive levels of coping. Witnesses require some level of coping to be able to adapt to their new and unfamiliar environment without which some witnesses exit the programme prematurely. According to Heffer and Willoughby (2017:16), negative coping is the result of believing that nothing can

be done to alter one's situation or the perceived lack of capacity to adequately respond to the challenge. Krohne (2002:5) argues that people struggle to cope with stressful events when resources that preserve their well-being are threatened. Witnesses, by entering the programme, lose resources such as their social network, employment, income, freedom of movement and autonomy in the form of personal identity. Below is a practical discussion of the coping mechanisms applied by witnesses in OWP in line with the coping theories as presented in Chapter Two.

- **Decide to cope and keep to themselves**

The accounts of the three witnesses below show that some witnesses try to cope by keeping to themselves and moving on with their lives. **Busi** copes with the challenges experienced in OWP by keeping to herself.

**Busi:** *"I am a stone person, I don't talk a lot. I am not a talkative person. I only speak when it is necessary and I prefer to keep to myself. Talking too much and complaining is not going to change the situation that we are in now".*

Krohne (2002:7) stated that people who avoid thinking about negative outcomes of their stressful situations tend to fail to verbalise their feelings of distress. As a result, a person might appear to be coping positively if their behaviour is observed but internally they are hurting and struggling. Dass-Brailsford (2012:100) posits that such people tend to isolate themselves from society in an attempt to return to normality while they are still processing the trauma.

**Thabo:** *"For me it's a choice. I can either allow it to upset me or I can deal with it. If I allow it to upset me, it will end up affecting my wife and we can also end up in an argument so I try to avoid it and try to deal with it, Sometimes I get upset and it affects my wife. We sit here and talk about something happily but it always ends in tears because I have anger within me. So sometimes I try to keep it inside so that it does not affect her..."*

**Dakalo:** *“For me it is about taking it one day at a time. Sometimes I write my feelings down and that helps me a lot. It is like someone to talk to though she does not talk back, only listens...my challenge is that there is no family around me to talk to.”*

In turning to literature to find support, the study of Montanino (1984:507) on the Federal Witness Security Programme found that some witnesses employ negative means of coping such as isolating themselves and avoiding social interactions to comply with the strict rules of the programme. Beune and Giebels (2013:32) refer to this type of coping as ‘avoidant coping’ where witnesses resort to postponing a need to confront their challenges. Lazarus (1993:236) suggests that avoidant coping is counterproductive and hazardous as it leads to a delay in getting the required help. This is in line with Koedam’s (1993:364) assertion that trauma without intervention may result in long-term mental health issues. Avoidant coping is a short-term strategy that is likely to result in witnesses experiencing more unpleasant thoughts at a later stage. Lazarus (1993:236) is of the view that avoiding to manage stressful events, although useful for adaptation under difficult circumstances, could also lead to long-term health-related problems such as depression, asthma, etc.

- **Hope and trust in God**

Some witnesses are grounded in religion and they prefer to apply the principles of religion for their survival such as having hope that their situation will get better, having faith in God and trusting that He will carry them through the duration of their stay in the programme. Witnesses below described how having faith in God helps them cope:

**Busi:** *“Talking too much and complaining is not going to change the situation that we are in now. I just keep on and on, God is on our side. Life goes on...so I just ask God to give me strength and that is what keeps me going”.*

**Bongani:** *“If I was not believing in God, my family would be emotionally damaged. We get our strength from the Lord. As a father in the family sometimes I don’t have answers to the questions that my children ask”.*

**Thapelo:** *“...Maybe through God’s grace we will find a job.*

The coping strategy of religion and having faith in God is found in literature. Beune and Giebels (2013:44) revealed that a large number of witnesses find religion to be an effective strategy of coping with stressful situations in witness protection. For example, some witnesses who were not linked to any religion before they joined the witness protection programme were only converted after joining the programme (Akintola 2010:7; Amoateng, Kalule-Sabiti & Oladipo 2015:137; Chimwaza & Watkins 2004:804). The study of Stepakoff et al (2017:279) found that witnesses at the Special Court of Sierra Leone engaged in prayer before and after appearing in court as an indication of trust and faith in their belief system.

- **Look forward to being reunited with family**

Some witnesses cope with the effects of being in OWP by keeping optimistic and looking forward to being reunited with their families. Although a large number of witnesses stated that they will not be able return home as a result of the continuing threats on their lives, they would however be able to contact their families once they exit the programme and start a new life in an area where they are safe. This is how **Steve** plans to be reunited with his family:

**Steve:** *“I am planning to resettle here and go and fetch my family so that we can start a new life here. I have been saving money from my allowance and I managed to buy a small piece of land here where I can build a home after I am discharged from the programme”.*

**Vela:** *“I just want to finish here, go back home to try to rebuild my life again”.*

**Isaac:** *“It is difficult to be away from my family but they do understand that the programme is not permanent”.*

The tendency to be optimistic during a stressful occurrence is one way of coping that influences the manner in which people survive in the face of stressful events in their lives (Lazarus 1993:239). The study of Krohne (2002:5) recorded optimism as a resource that preserves one’s well-being in the presence of stress. Pacheco and Kamble (2016:65) and also Reed (2016:73) found that being optimistic provides a brighter outlook of the future and plays a positive role in coping during times of

hardship. The optimism approach suggests that instead of focusing on the current stressful situation of being in the witness protection programme, witnesses elect to look forward to a brighter future with family and their social networks. Reed (2016:15) further states that higher levels of optimism lead to positive coping rather than avoidant coping. **Steve's** account is supported by Stepakoff et al (2017:282) who found that some witnesses were able to set aside a portion of the minimal allowance received in the programme to make a difference in their lives when they finally leave the programme.

- **Exit the programme prematurely**

The narrations of the three witnesses below indicate that some witnesses find it hard to cope and adapt and they opt to leave the programme despite the possibility of being killed outside of the programme. The study of Beune and Giebels (2013:24) revealed that the witnesses' difficulty in coping can intensify the impact of the protection programme on their lives, and that could lead to some witnesses deciding to leave the programme prematurely and by so doing putting their lives in danger.

This is evident from **Jide's** and **Lufuno's** expressions below. They described their frustration as follows:

**Jide:** *"The monthly allowance of R750 is something that can make you decide to go home without even telling the protector that you are leaving because when you are hungry like some days I sleep without eating, it is not easy".*

**Lufuno:** *"If I could change things and leave the programme I would leave now".*

Staff members made similar observations when it comes to witnesses who leave the programme prematurely because of struggling to cope and adjust to the programme.

**Tshepo:** *"...for witnesses who have resources they will not cope in OWP. We have had witnesses who were involved in heavy cases but still decided that they will not make it in OWP and rather sign out and go their own route regardless of the high levels of danger for their lives".*

Parikh and Morris (2011:366) state that people are social beings who find fulfilment in contributing to common goals in their family and society at large. Without this connection people find that their lifestyles are no longer adaptive to their environment and they lose a sense of capability and uniqueness. In witness protection programmes, witnesses find themselves in isolation from the social world where their skills, talents, social standing and knowledge become irrelevant, making it difficult to reach their full potential. Witnesses leave the programme when they view their situation as refractory; believing that nothing useful can be done to change their circumstances (Lazarus 1993:239). Hamilton (1976:38) is of the view that persuasive counselling by psycho-social personnel would help witnesses to understand the importance of their testimony in an effort to discourage them from abandoning the programme prematurely.

- **Supported through counselling and therapy**

Best practice in witness protection provides for the psycho-social support of witnesses in the form of counselling and therapy, especially for those who have been physically and mentally traumatised (Beqiri 2018:25; Beune & Giebels 2013:16; Council of Europe 1999:20; Dandurand & Farr 2010:78; Kaur 2011:366; Kayuni & Jamu 2015:429; Vincent 2016:30). The responses of the three participants below suggest that witnesses find comfort in social work services to improve their coping mechanisms. This is linked to what Lazarus (1993:238) termed 'problem focused coping', an attempt to change the relationship between a distressed person and their environment by either working on the environment or the person.

**Dakalo:** *"...Social workers assist us by offering moral support, emotional support, try to help a witness to cope with the experiences that they had before they came to the programme. I believe all witnesses come to the programme with some amount of trauma. The fact that one has witnessed a crime means they are not well emotionally. Social workers assist us to find a way forward in life and ensure that we will not revert to our past. Also help us to adjust to our new environments".*

**Selina:** *"...I think the social worker is very much needed here because sometimes witnesses are in shock, isolated and they need someone to talk to. They are needed*

*to help witnesses deal with whatever they are going through. I had depression and seeing a psychologist really helped. Sometimes there are things that I could not discuss with my protector, especially because previously my protector was a man.”*

**Tumelo**, who is a staff member, also believes that counselling and therapy by social workers provide witnesses with mechanisms to cope better. This is what he said:

*“Social workers are valuable. They support witnesses, for example there was a witness recently who only wanted to talk to a social worker. Maybe she felt that protectors were not reaching out to her or assisting her properly. Sometimes protectors are like hard and social workers can help witnesses from a humane point of view. There are a few witnesses who received social work services and medication to help them cope and we were able to secure good prosecutions with those witnesses. So yes, social workers have an important role to play especially for the witnesses who are traumatised...”*

Parikh and Morris (2011:370) hold the view that some witnesses seek to improve their well-being and adaptation through counselling and therapy. The reduction in social functioning that witnesses endure in protection programmes affect their areas of functioning which were previously useful as coping mechanisms. Thus, therapy and counselling are likely to help witnesses to reconstruct their capacity, identify and use other available sources of coping.

In the context of this study, witnesses made a conscious decision to work on their situations by seeking intervention through psycho-social services. The purpose of this approach is to equip the witness with coping mechanisms to be able to rise above the frustrating conditions of being in the programme, and not necessarily change the situation. The study of Heffer and Willoughby (2017:3) disclosed that the more positive coping strategies available to an individual, the more likely an individual will be confident to manage stressful events effectively.

Literature in coping and counselling suggests that people in general are able, through counselling, to manage the stressors within their environment and equip themselves with the means of coping with their challenges (Grambling, Lambert &

Pursley-Grotteau 1998:1083; Lazarus & Folkman, 1984:158; Outten, Schmitt, Garcia & Branscombe 2009:149; Padden, Connors & Agazio 2011:251; Uys 2002:107; Van Dyk 2007:62).

- **Witnesses cope by keeping busy in various ways**

Witnesses use different ways of coping with their situation. The participants below indicated that they cope by focusing on their studies, going to the gym and looking for jobs.

**Isaac:** *“My studies with UNISA keep me busy...for now I am ok but I am waiting for my results from UNISA...”*

**Bongani:** *“There are times when I am up about 6/7 in the morning and ask myself, what am I going to do? That is why I joined the gym, it helps me a lot”.*

**Sello:** *“...I am working now, I managed to secure a job at a law firm, I earn R3 000 per month, it is not much but it covers here and there...my job keeps me busy...”*

The strategy of keeping oneself busy with various activities mentioned by participants is recorded by Dass-Brailsford (2012:100) as one of the coping strategies where individuals attempt to engage in physical routine activities. The study of Stangor and Walinga (2014:6) also reported that activities such as yoga, art and deep breathing are methods of coping with stress. Beune and Giebels (2013: 32) found that witnesses tend to engage in activities that distract them from dealing with the stressfulness of being admitted to witness protection programme. The implication of this coping strategy is that individuals remain inwardly deeply affected by stressful encounters while they appear to be functioning in a usual manner on the outside (Dass-Brailsford 2012:100). Beune and Giebels (2013:11) are of the view that coping by internalising feelings is stressful to the person concerned.

#### 4.3.4 Theme Four: Programme challenges as perceived by staff members (protectors, social workers and senior managers)

This theme emanated from the question: **“Tell me about your experiences of being part of OWP”**. This question was asked of the protectors, social workers and

senior managers and their responses suggest that there are programme-related challenges affecting service delivery to witnesses in the programme. The two sub-themes below provide a description of the challenges outlined by staff members.

- Policy-related challenges that impact services to witnesses in OWP
- Management-related challenges that impact services to witnesses in OWP

#### 4.3.4.1 Sub-theme: Policy-related challenges that impact services to witnesses in OWO

The staff members are of the view that some of the difficulties facing witnesses are as a result of policy-related challenges in the programme. The following four categories help to illuminate understanding into the types of policy challenges and how they impact services to witnesses.

- **Current placement of the OWP under the NPA**

The OWP was established in terms of the Witness Protection Act 112 of 1998 (South Africa 1998:section 2). The Act provides for the OWP to be established under the Ministry of Justice (UNODC 2008:15; Minaar 2002:122, Mahony 2010:96). At the time of conducting this research, the OWP was located under the NPA. The narrations of the two participants below points to the difficulties experienced as a result of this inconsistency.

**Obed:** *“... In terms of the Witness Protection Act, we are working against the law. The Act clearly states that OWP shall resort under the Ministry of Justice as a programme. We are in the Ministry of Justice but as a sub-programme of another programme...when the NPA was established in the late 1990s people felt that OWP should form part of the then called Scorpion. But I believe that the matter was not properly interrogated. Witness Protection Act states that OWP officials should be appointed in terms of the Public Service Act. However, since I started to work here, the heads of OWP have been appointed in terms of the NPA Act”.*

**Anele:** *“...If government and management could make it possible that OWP be independent from the NPA and get their independent professionals like social workers and psychologist, services will be better and witnesses will cope more easily”.*

Obed's sentiment is supported by Mahony (2010:97) who found that the OWP is illegally positioned under the NPA instead of the Department of Justice and Correctional services as provided for in the Witness Protection Act, something which is believed to undermine the impartiality and independence of the programme. Best practice in witness protection calls for the protection programmes to be separated from the investigation and prosecuting authorities to ensure impartiality, confidentiality and avoid compromising sensitive information (Appleyard 2011:13; Council of Europe 2015:2; Dandurand & Farr 2010:14; UNOCD 2008:53). Vincent (2016:34) suggests that in countries where the protection programme is essentially a police function, there should be a "...sterile passage of separation" and autonomy between the two units. The separation will serve to ensure that there is no contamination in decision making and perceptions that protection of witnesses is meant to induce favourable evidence to the prosecution authorities (Fyfe & McKay 2000:290). Similarly, Fery (2012:9) found that the lack of independence of the protection programme creates mistrust among witnesses, the defence attorneys, as well as the community at large.

- **Lack of resources to implement the OWP's mandate**

The accounts of staff members suggest that the lack of resource in OWP has an impact on the capacity of the programme to discharge its mandate such as shortage of personnel, lack of training and insufficient funding for the general day-to-day operations. Adequate resources and capacity appear to be a problem for most countries when it comes to witness protection programmes. The Council of Europe (2011:2) emphasises the importance of governments increasing the funding to protection programmes to empower the programmes with the necessary technical equipment, facilities and skills for the efficient implementation of witness protection activities. This will enable the officials to have easy access to funds to meet the needs of witnesses.

**Tshepo:** *"Regular training for management and protectors could also help to improve service delivery; even if it is an in-service training to empower protectors with small skills so that they can be able to identify witness's problems and report further".*

**Warona:** *“We need more protectors. It is a challenge for one protector to manage about five witnesses at a time. While protectors work with approximately five witnesses at a time, a social worker works with all witnesses in the province and two more provinces so there is a need to recruit more staff”.*

**Obed:** *“The fact that we are a sub-programme of another programme is a challenge...National Treasury only makes direct allocation of funds up to a level of a programme, meaning as a sub-programme we only receive crumbs from our mother programme”.*

The response of **Tshepo** above regarding the need for training of the protection staff is supported by Dulume (2016:146) who found that the protection of witnesses seems effective in countries where sufficient funding for the programme and recruitment of qualified protection personnel are prioritised. The Council of Europe (2005:4), Kayuni and Jamu (2015:435) emphasise that over and above qualified staff, it is important to ensure regular refresher training of the protection staff to keep them abreast with developments in the field. In Australia, for example, witness protection officers are required to undergo a specialised training programme annually to enhance and maintain the necessary operational skills required to manage witnesses (Dandurand & Farr 2010:50). Dulume (2016:150) suggests that training institutions in the country should provide training on witness protection to enhance the knowledge and awareness amongst officials within the criminal justice system and to help keep the protection personnel up to date with their work.

Njeri (2016:8) states that training will not only ensure that officials are equipped with specialised skills but they will also be in a position to care for the psycho-social needs of witnesses. The study of Irish et al (2000:28) confirms that the lack of resources is one of the major difficulties facing the witness protection programme in South Africa. The UNODC (2008:51) urges member states at the regional level to establish a joint funding system for the benefit of the protection of witnesses.

- **The legislative framework and policies of the OWP**

Some participants of this study expressed concerns about the Witness Protection Act and the policies that govern the operations of the OWP. The concerns raised had to do with unapproved policies, inconsistency in policy implementation, the lack of monitoring and support by the National Office and the need to amend the Witness Protection Act. As narrated by Obed below, section 6 of the Act refers to security officers. However, the protection personnel that are employed in the OWP are called protectors.

**Obed's** view was that there is a lack of uniformity between the provinces in terms of service delivery. This is what he said:

*"I think the Witness Protection Act needs to be amended...section 6 of the Act has been suspended because it deals with the security officers instead of protectors...we have some educational programmes where we assist witnesses with vocational skills training but this has not been rolled out in a structured manner. Some provinces implement it but for those who do not do it, there is nothing we can do about it as we do not have a policy on it".*

**Tshepo** also raised a concern about the lack of consistency relating to the administration of the programme. His view is that each region operates differently when implementing OWP procedures because of lack of guidance and leadership from national office.

*"...First of all, we need to get proper policies in place to ensure uniformity amongst provinces in terms of how we do things...another aspect is that there is no quality control in this organisation to ensure implementation of policies and consistency in terms of how things are done."*

**Ntsako's** response suggests that some of those policies are not regarded as official as they have never been approved or signed off.

*"Currently OWP is operating on the basis of policies that are not approved/signed off. I am not sure if it is OWP or NPA that should be blamed. It is almost 15 years*

*but still the policies are not recognised. Most of our policies could get OWP in trouble because they are not signed and they are related to labour law”.*

From the accounts of the staff members above, it appears that the OWP, since its inception, has been operating on the basis of some internal policies that are not approved or made official. The concerns of participants in this study regarding problematic legislative framework and its consequences are found in literature. The study of Njeri (2016:2) found that the lack of uniform policies and regulations in witness protection led to inconsistencies in the protection of witnesses. Appleyard (2011:14), Vincent (2008:94) and the UNODC (2008:94) are of the view that a clear, procedural and institutional framework is required to ensure accountability, transparency, certainty and predictability of the operations of any witness protection programme. Newham (1995:8) holds that there is a need for protection programmes to put in place a system of checks and balances to enhance accountability. Dandurand & Farr (2010:76) state that the covert nature of witness protection programmes often makes it difficult to enforce oversight.

- **Unsatisfactory reintegration and aftercare services for witnesses**

The expressions of the three participants below show that most witnesses find it difficult to cope after the resettlement process and that there is a great need for the OWP to render aftercare services that will ensure that witnesses are assisted to start a new life when they leave the programme. This concern was also raised by witnesses who are unable to return home because of the persisting threats on their lives and require assistance to start a new life in different locations after they are discharged from protection (see sub-theme 4.3.3.4.)

**Jon** indicated that there is insufficient care and support for witnesses after they have delivered court testimony. This is how he described his concern:

*“...When witnesses leave, I feel that OWP is pushy, witnesses are not afforded enough level of readiness. Many become destitute, they become lost because they cannot go back, they don't have a house or anyone to go to. It really puts them off. OWP needs to assist the witnesses to understand the stages of the programme and begin to prepare for discharge while the witness is still on the programme...I feel*

*that many times witnesses are forced out of the programme because they are finished to testify, we don't know where they will end up going. It is like they no longer belong here. It is like the witness is no longer our problem”.*

Similarly, **Anele** raised a concern about the period afforded to witnesses to prepare for discharge after completion of their testimony. He said:

*“... It is a good thing for witnesses to be independent when they leave the programme but they need to be assisted through that process. Another issue is the notice period that witnesses are issued with before they leave the programme, it is not enough for a witness to prepare themselves for exit. Although there are extensions, sometimes the extension never goes beyond one month...there is no aftercare policy also”.*

**Tshepo:** *“We need to resettle witnesses according to the standard of living of where they lived before they were admitted to the programme. If a person lived in a big house, it would not be fair to resettle them in the RDP house. We protect witnesses and care for them here and once the case is finalised we dump them”.*

There is general consensus among scholars that care and support of witnesses should be maintained even after the formal programme has ended as the threat to their lives hardly diminishes immediately after trial. This also applies in situations where witnesses exit the programme voluntarily (Fery 2012:6; Fyfe & Sheptychi 2006:331; Mack 2014:236; UNOCD 2008:75). In South Africa, witnesses are discharged a few weeks after testifying regardless of the existence of the threat, with no aftercare services (Irish et al 2000: 39). This is contrary to the Witness Protection Act 112 of 1998 (South Africa 1998:section 13(4)) that provides for extension of protection in instances where the witness's life is still under threat after conclusion of the trial. The UNOCD (2004:257) suggests that termination of protection should be determined by the non-existence of the threat, and not only rely on the fact that a witness has finished testifying. According to Dulume (2016:145), governments can realise the issue of sustainability and continuity of services by ensuring that there are sufficient funds available to support the witness's new life after discharge from the programme.

The study of Mahony (2010:91) revealed that in Sierra Leone witnesses are provided with emergency contact numbers after discharge in case they need assistance while the protection staff makes periodic visits to ensure the wellness and security of the witness. The USA also provides post-trial/conviction support to victims and witnesses through a toll free call centre and internet website where witnesses are able to access information such as the death, escape and release of the perpetrator (Bhuckory 2013:47). According to Appleyard (2011:72), the relationship between the witness and the state is indefinite, even after financial support has been terminated. There might still be a need for other protection measures as circumstances may change and new threats emerge in the life of a witness. This view is supported by Khan (2013:31) who states that the poor quality of support for witnesses can negatively impact the decisions of future potential witnesses.

#### 4.3.4.2 Sub-theme: Management-related challenges that impact services to witnesses in OWP

The participants in this study expressed a number of challenges in relation to the management of the OWP. Some of the challenges mentioned are a lack of collaboration between the OWP and other stakeholders; lack of co-ordination of services; insufficient support for the protection personnel by management; and a need for more social workers in the OWP. It was said that these challenges affect service delivery to witnesses.

- **Unsatisfactory interdepartmental collaboration**

The accounts of **Obed** and **Warona** below point to the need for collaboration between the OWP and stakeholders, such as the Departments of Human Settlements and Social Development as well as the NGO sector, to ensure efficient service delivery to witnesses. Irish et al (2000:33) and Mahony (2010:166) are of the view that witness protection alone cannot eradicate crime and that effective policing is required to ensure the success of witness protection programmes. **Warona** made reference to resettlement and housing of witnesses when they leave the programme. As discussed under sub-theme 4.3.3.4, some witnesses are not able to go back home as a result of the persistent threat to their lives. They do not

have decent housing structures when they leave the programme and they end up in shacks and Wendy houses.

**Obed:** *“After we received the report of the Public Protector, we realised that for us to implement a proper aftercare, we need to have a relationship with the NGOs and also to have our own social workers so that they will be able to network and work on a proper aftercare service. We need to link witnesses with services outside in the community...we have also not made any contact with the Department of Social Development and I think we should have so that we can disseminate information to their regional offices and the NGOs. I think we are lacking on that part”.*

**Warona:** *“OWP is a state organ. Practically it should be easy to help witnesses ...through collaboration with other departments but it is difficult. I don’t understand why state departments are not working together to give a witness better resettlement. When witnesses leave the programme, it is a big challenge as some witnesses are not able to go back to their danger area and as a result they go to live in shacks. I feel the government should go an extra mile in looking after witnesses.”*

**Musa:** *“Sometimes when witnesses leave the programme, they resettle in shacks because they are not able to go back to their homes. If there is good interaction and collaboration between state departments, witnesses can at least be allocated RDP houses. Witnesses must feel secured that after testifying they will have a roof on their heads. It is hard when protectors transport a witness during the resettlement stage and they have to leave them in a shack and turn their backs, it is traumatising. The government cannot expect to run a programme like witness protection without money. Everything cannot be done here because of budget constraints”.*

There is general consensus among researchers that protection programmes cannot operate in isolation but should be part of a wider network of governmental agencies, NGOs and the private sector both nationally and internationally (Appleyard 2011:13; Bendo 2015:8; Council of Europe 2005:6; Fyfe & McKay 2000:287; Khan 2013:31; UN Human Rights Monitoring 2011:38; UNOCD 2008:28). Failure to achieve a co-operative approach in the protection of witness may lead to inefficiency in service delivery. Witness protection in the Philippines, for example, is the responsibility of

the Department of Justice. However, there are memoranda of understanding in place to delineate the responsibility of various other government departments to ensure a co-ordinated approach to witness protection (Article 24 of the UNODC 2004:249). Dandurand & Farr (2010:56) emphasise that the success of witness protection should not only be attributed to physical security but to the extent of collaboration between governmental agencies and the private sector with the aim of providing witnesses with the required services.

The Witness Protection Act 112 of 1998 (South Africa 1998:section 4(3)) makes provision for all state departments to the extent possible to render assistance to the OWP in order to ensure success fulfilment of its mandate. The UNOCD (2008:80) and Appleyard (2011:19) urge government departments to render assistance to witness protection programmes whenever requested to do so to ensure effective and efficient service delivery.

- **Fragmentation of services/the lack of co-ordination of services in OWP**

Participants of this study are of the view that service delivery to witnesses in OWP happens haphazardly without co-ordination and guidance from the National Office. **Jon** mentioned the manner in which witnesses are removed without regard for their personal issues and the lack of co-ordination, quality control of services and the poor flow of information within OWP structures. This view corroborates the concern of some witnesses under sub-theme 4.3.1.1. that they were speedily removed from home without sufficient information about the OWP and had no opportunity to prepare themselves for the transition.

**Jon:** *“I think there is fragmentation of services, there is no coordination of services. Witnesses come to the programme, and sometimes we find that no-one has been to see the witness since arrival and the witness is frustrated. Witnesses are moved very quickly from one place to another and there are no follow ups of what matters to them. I think internally there has to be constant communication, I find the situation where someone is doing this and the other is doing that. There is no collaboration yet we all have a role to play. It is a problem. If there is separation, people decide that I can work with this one and can’t work with that one. OWP needs to tap in the resources within the organisation and recognise every skill within the organisation.*”

*OWP needs to have regular strategic plan sessions and discuss best practice. We have regions and we have a National Office, but does National Office know what is happening in the regions? Is there feedback and monitoring? There must be some sort of co-ordination of services, clear decision making, clear directives and support by National Office”.*

**Tshepo:** *“...We also find instances where sometimes the office will go out of its way to take care of the accommodation and other needs of a witness but this is not standardised. It is not a norm because more often witnesses are left to survive on their own, the standard of the accommodation is not the same across all witnesses, there are inconsistencies”.*

This view is consistent with **Fumani’s** account under sub-theme 4.3.2.2 that witnesses are not treated equally by the OWP.

**Dakalo:** *“All of us must have the same rules across all the nine provinces. We cannot do things differently in each and every province because that is what is happening. The paperwork must be right from admission and we must implement it as it is, I think it will give stability to the managers, protectors and witnesses. I don’t see anything changing, there are no improvements, we are just carrying on year after year. We must have guidelines...”*

The concerns about the lack of guidelines and direction are in support of the views of **Ntsako** in sub-theme 4.3.4.1 that the OWP has been operating on the basis of some unapproved policies, inconsistency in policy implementation and the lack of quality control in service delivery. Vincent (2016:35) stated that the management and governance of the protection programme should be consistent with best practice to ensure integrity of the programme.

- **Lack of care for the wellness of protection personnel**

The views of the participants below suggest that the protection team experiences lack of support from management. **Tebogo** mentioned that the protectors handle traumatic situations of witnesses regularly and as a result they are also affected by such traumas. Kayuni and Jamu (2015:429) state that protection personnel are likely

to display reactions of stress and anxiety as a manifestation of the difficulties experienced by witnesses.

**Tebogo:** *“There is no wellness of staff members and protectors; I think wellness of protectors is very important. No-one cares about us here. I am always on duty. My phone is on my bedside when I sleep because I can receive a call at any time to go and do some work. We hear sad stories of witnesses all the time and it is not nice; we have to try to balance and adjust but it is hard. Nobody care to find out how we are doing emotionally. OWP is just happy to see us escort witnesses to court”.*

**Anele:** *“It is is very strenuous, management is not helping us on how to handle difficult cases, as protectors we just have to cope on our own. Sometimes I feel like I am a social worker, psychologist and everything and we are short-staffed. We also do administration which we are not supposed to be doing, we need additional protectors to relieve the pressure, when court protections start, its one after another and we do not get time to rest. We are suffering. I personally I used to drink liquor only on weekends but now I have to drink three dumpies daily at bedtime so that my body can relax and I can be able to sleep, the driving is killing me really”.*

**Palesa:** *“I was shocked when I joined OWP and realised that managers at Head Office do not care about us as protectors. All they are interested in is their camps/factions and this affect provincial offices terribly. Even when it comes to going to operations, a protector is sometimes send alone which is also not safe...I still don't have a bulletproof vest after I have made so many requests. Let me just say I am disappointed with the way OWP is doing things, it is not what I thought before I joined the programme”.*

**Tebogo** and **Anele's** concerns are found in literature. Article 24 of the UNOCD (2004:256) states that protection of witnesses requires personal and psychological adjustment from the side of the protection staff. However, psychological support should be provided to them from time to time to avoid burnout. This sentiment is supported by Mahony (2010:98) who indicates that professional tiredness and prolonged exposure to covert work threatens the psychological well-being of the protection staff. The UNOCD (2008:49) suggests rotation of protection officers to

avert weariness as a result of the demanding nature that comes with protection services. The Council of Europe (2018:4) emphasises the need for the protection personnel to be provided with guidance and support on how to handle witnesses' cases. It is concerning that members of staff who are expected to protect witnesses and navigate their way through dangerous criminals, carry out their duties without basic equipment such as a bulletproof vest as this could jeopardise the lives of both the witness and the protector (UNODC 2008:50).

- **More social workers are needed in the OWP**

The utterances of the participants below point to the need for the OWP to roll out the social work service in all nine provinces because of the value this service adds to the lives of witnesses. Other aspects that were mentioned include proper assessment of witnesses to determine their readiness to enter the programme, the coping capacity to manage the isolating effect of witness protection programme and to empower witnesses with adaptation and coping skills. As discussed under sub-theme 4.3.3.2, the problems of adaptation in OWP often result in some witnesses leaving the programme prematurely.

Kayuni and Jamu (2015:429) state that a witness protection programme cannot function adequately if officials who are responsible for rendering psycho-social services to witnesses are in short supply. According to the UNODC (2008:27) and Mahony (2010:176), giving testimony in court can lead to serious anxiety that may affect the quality of the testimony. Therefore, psycho-social intervention remains vital for witnesses in the programme to prepare them emotionally for trial.

**Tshepo:** *"I think social workers are valuable. They can support witnesses. For example, there was a witness recently who only wanted to talk to a social worker. Sometimes protectors are like hard and social workers can help them from a humane point of view. There are a few witnesses who received social work services to help them cope and we were able to secure good prosecutions with those witnesses. So yes, social workers have an important role to play especially for the witnesses who are traumatised".*

**Obed:** *“It would have been ideal and perfect to have a fully-fledged social service in each province... we anticipated that by now we would have appointed social workers in all provinces and also employed junior social workers. However, this did not happen because of many impediments such as financial constraints...Initially we only managed to appoint four social workers. We were supposed to have appointed nine provincial social work managers and one director at Head Office instead of us trying to manage a profession that we do not know very well. This is a very important function. We are supposed to take seriously the recommendations of a social worker. In some countries the social worker sits next to the witness in court as reassurance and support to the witness to ensure successful testimony...some witnesses recover from their trauma by the time they go to court because of social work support...Unfortunately, the social work service in the unit has taken root but not fully rolled out. It is unfair to expect one social worker to do assessments and also do aftercare services”.*

**Tebogo:** *“I think the visits/sessions by the social workers to witnesses should be more often. The social worker should be able to visit the witnesses by themselves, we should not have to make an appointment and ask to see a social worker. Especially women who come on the programme with their children need that support”.*

The views of the three participants above are consistent with the plea made by witnesses to have regular access to social work services under sub-theme 4.3.2.3.

From the literature consulted, there is an indication that witnesses who are on the programme experience serious mental distress and anxiety as a result of fear of retribution, violence-induced trauma, facing the accused in court, social uprooting, isolation, difficulties in adapting to unfamiliar environments as well as uncertainty about their future safety (Beune & Giebels 2013:56; Council of Europe 2011:3; Dandurand & Farr 2010:78; Dulume 2016:142; Fery 2012:9; Fyfe & McKay 2000:683; Fyfe & Sheptycki 2006: 334; Irish et al 2000:35; Kaur 2011:366; Newham 1995:6; UNODC 2008:27). Vincent (2016:30) adds that the decision to expose oneself to risk by entering the programme is a cause for distress on its own. Mahony (2010:107) posits that these challenges are heightened by the shortage of psycho-

social personnel in South Africa. Kayuni and Jamu (2015:429) recommend that witnesses should be provided with access to a 24 hour on call service by psycho-social practitioners to help them cope better.

The researcher is of the view that the absence of sufficient psycho-social interventions in witness protection programmes explains the higher-than-average suicide of witnesses in the US Federal Witness Security Programme as revealed by Koedam (1993:364). There is thus a need for sustained psycho-social intervention to assist witnesses to deal with such challenges by a team of social workers, psychologists and other professionals, before, during and after trial.

#### 4.3.5 Theme Five: Witnesses and staff members' suggestions for service delivery improvement

This theme emerged from the responses of all participants to the question **“What are your suggestions on how OWP can improve the programme in response to the challenges of witnesses and for better co-ordinated service delivery?”**

This question was asked to both the witnesses and the staff members. The suggestions are directed at possible service delivery improvement and to assist witnesses to adjust and cope better in the programme.

According to the theory of coping by Lazarus (1993:238), people apply different coping methods to different stressful situations; seeking social support is one of the prominent strategies that people consider when they are faced with difficulties. In the context of this study, it is likely that witnesses would find comfort in the support of family through improved family contact. Similarly, Nilsson (2007:10) states that people are social beings with a sense of coherence who, in the face of stress and challenges, respond by seeking social support from family and friends. Nilsson further emphasises that it is important for witnesses to cope and adjust to the new life and identity in witness protection to restore a balance of harmony between themselves and their new environment. A lack of stability results in adjustment and coping challenges for witnesses. Such challenges are discussed at length under theme three of this chapter.

Walinga (2014:18) posits that people experience challenges as either threatening or non-threatening to their stability, depending on the availability of resources and are thus able to respond to a stressful situation positively if they have access to resources required to mitigate the challenge. Improved financial support, improved employment prospects and support to access medical care would assist the witnesses in OWP to cope with the trauma that comes with being admitted to the programme. The resources theory of stress (Krohne 2002:5) holds that individuals are mostly left with a depleted pool of resources such as self-efficacy, optimism and hardiness to cope with stress after being exposed to traumatic circumstances.

Walinga suggest that such individuals would benefit from a multiple intervention programmes with psycho-social support, health education, conflict resolution and stress management components by psycho-social professionals to empower them to replenish their coping capacity. It is suggested that witnesses are likely to benefit from improved access to social work services aimed at empowering them with coping mechanisms. Both witnesses and staff members have observed the need for improved access for witnesses to social work services in OWP.

Montanino (1984:518) states that witnesses cope better, with less distress if they feel connected to the community where they are reintegrated. This is in line with the plea of both witnesses and staff members for improved reintegration and aftercare support for witnesses in protection. The researcher is of the view that in the absence of a well-coordinated approach by the OWP to provide aftercare services and linking witnesses with services outside of the programme, efficacy in service delivery will remain a challenge.

Parikh and Morris (2011:369) hold the view that the reduction of functioning is another aspect that impacts areas that were previously used as coping mechanisms for people resulting in a breakdown in their coping capacity. Witnesses are negatively affected by their inability to secure jobs and restricted movement that result in boredom, loneliness and stress. The suggestion to assist witnesses with job placements and skills training would assist them to gain a sense of purpose.

The following three sub-themes presented in the next section give a description of the suggestions by witnesses, protectors, social workers and senior managers to improve service delivery and to achieve a coordinated approach.

- Witnesses' suggestions to improve direct services to witnesses in OWP
- Staff members' suggestions to improve direct services to witnesses in OWP
- Staff members' suggestions to improve the OWP

#### 4.3.5.1 Sub-theme: Witnesses' suggestions to improve direct services to witnesses in OWP

The suggestions of witnesses are as a result of their experiences and challenges in OWP and are intended to improve service delivery. The responses of witnesses to the above-mentioned question resulted in six categories presented below.

- **Better financial assistance**

Given the accounts of witnesses under sub-theme 4.3.3.4 of this chapter about challenges faced by witnesses in relation to inadequate financial support, it is suggested that improved financial assistance would enable them to cope better in the programme. Below are the suggestions of witnesses:

**Busi:** *"Maybe you can increase the allowance because some of us have needs that we cannot meet with that little money, there is not much we can do, life is very expensive out here".*

**Isaac:** *"OWP can increase the money for groceries".*

**Thabo:** *"Regarding finances, I think our allowances should be increased on a yearly basis".*

Various authors (Council of Europe 1999:19; Irish et al 2010:37; Mack 2014: 226; Fyfe & McKay 2000:331) agree that while witnesses should not be compensated or improve their standard of living through financial rewards for giving testimony, witness protection programmes should assist the witnesses to regain financial independence through provision of adequate allowances, skills training and job placement.

Appleyard (2011:74), Hamilton (1976:32), as well as Stepakoff (2017:283), are of the view that provision of an insufficient allowance should be avoided and that there should not be major changes to the lifestyle of a witness as a result of entering the programme. Lack of support of witnesses could result in witnesses leaving the programme prematurely or reverting to their criminal acts, especially witnesses who are used to making money out of criminal activities (Bendon & Giebels 2013:21; Council of Europe 1999:23; Dandurand & Farr 2010:45; Koedam 1993:362; UNOCD 2008:72).

- **Assistance to secure a job**

As discussed under sub-theme 4.3.3.3 of this chapter, witnesses struggle to secure jobs in order to earn an income and some mentioned that they sometimes go to bed without a meal. This is the result of the inadequate financial support they receive. The following accounts emphasise the desperate need for witnesses to be assisted to secure employment while they are in the programme, especially those who were unemployed prior to joining the programme as they only receive a regulated financial allowance.

**Isaac:** *“As a witness it is not easy to find a job. I know that unemployment is a problem for the whole South Africa but maybe OWP could assist us to get jobs... It is not good to rely on the monthly allowance, at least a piece job will help. We have needs that we cannot meet. A job is needed”.*

**Vela:** *“They have to find us jobs. When a witness has a qualification, they should be placed in jobs, not for a witness to apply for a job on their own... What will I say in the interview if I am invited for a job interview? They will want to know who I am, where I stay, and so on”.*

**Steve:** *“For example I am a hard worker, I am not a person who can be expected to sit and do nothing. OWP knows that they only give us R750, why don't they allow us to do courses so that we can change our lives? OWP must expose us to opportunities that can help us find jobs. My life is stuck I don't know what to do”.*

Scholars suggest that witnesses struggle to secure employment because of being moved to unfamiliar environments where they do not know the area and available opportunities very well. The intervention by protection programmes to assist witnesses to secure employment is thus important. This could be achieved through collaboration with other government departments such as the Department of employment and Labour (Beune & Giebels 2013:87; Council of Europe 1999:19; Koedam 1993:364).

Financial independence by securing a job or skills training helps witnesses to alleviate stress and anxiety that comes with admission to witness protection programme. It also assists witnesses to prepare themselves towards self-sufficiency when they are discharged from the programme and especially those who are unable to return to their homes as a result of the persistent threat to their lives (Bakowski 2013:3; Irish et al 2000:38; Newman 1995:11; UNOCD 2008:72).

- **Easier access to and regular contact with social work services**

The challenges of witnesses discussed under sub-theme 4.3.2.3 relating to difficulties in accessing social work services led to the following suggestions by witnesses.

**Lufuno:** *“I think the visits by the social workers to witnesses should be more often...we should not have to make an appointment and ask to see a social worker. Especially women who come on the programme with their children need that support”.*

**Thapelo:** *“I think the social worker must visit the witnesses on monthly basis, to check how the family is doing and to see if the children’s needs are met”.*

**Selina:** *“Our kids mostly go through a lot, it is traumatising for them and they don’t know how to speak to us, and sometime we also don’t know how to deal with the situation so that is why it is important to have a social worker in OWP. So maybe children will feel free to speak to a social worker and we are also free to speak to a social worker about certain situations. It is important for social workers to be with witnesses, not all the time but now and again”.*

Researchers are in agreement that admission to witness protection programme is a traumatic, life-changing experience for all witnesses because of threats to their lives, the isolation from familiar environments and family, difficulties of having to adjust to a new environment and having witnessed crime. It is thus necessary to conduct a thorough assessment of potential witnesses to ascertain the readiness and suitability of a witness. Ideally, these services should be rendered by a multidisciplinary team of medical doctors, social workers, psychologists etc (Beqiri 2018:25; Beune & Giebels 2013:84; Council of Europe 2005:6; Kaur 2011:366; Kayuni & Jamu 2015:429; UNODC 2008:27). In South Africa however, psycho-social services are rendered only by social workers. It is in that context that participants only mention social work services in relation to their psychosocial wellbeing.

Psycho-social assistance is part of witness assistance, a process that is aimed to empower witnesses to cope and adjust better in the programme and to avoid re-traumatisation so that they are able to deliver an effective testimony in court. Best practice in the protection of witnesses dictates that witnesses be afforded these services before, during and after trial (Appleyard 2011: 74; Dulume 2016:127; Fery 2012:8; Fyfe & Sheptycki 2006:334; Newham 1995:6; Stanica & Coman 2014:279; UNODC 2008:27).

Mack (2014:227) and Koedam (1993:367) add that without psycho-social services, witnesses are likely to contravene the rules of the programme as a way of coping with the difficulties of being admitted to the programme. Kayuni and Jamu (2015:435) further state that shortage of psycho-social personnel and the lack of psycho-social intervention in witness protection could lead to long-lasting mental effects, such as depression. Mahony (2010: 8) is of the view that the success of witness protection cannot only be measured in terms of physical protection but the psycho-social wellness of witnesses as well.

- **More environmental enrichment such as recreation**

As discussed under sub-theme 4.3.3.1, witnesses expressed their challenges regarding loneliness and boredom in the programme as they are not allowed to

maintain contact with the outside world, including family and friends. Most of the witnesses struggle to secure employment as they are not allowed to reveal their true identity and their physical address which is a safe house. For some this is linked to a criminal record, a lack of skills and difficulty to manoeuvre their way in an unfamiliar environment. To this effect, the following suggestions were made as to how the OWP could create a conducive environment for witnesses to cope with the isolation and social uprooting in the programme.

**Isaac:** *“They have to give the witness a mini life so that you won’t forget who you are. They have to keep you busy mentally and physically. Feeding you with information. They must give us a mini life because for me it’s hard to go out and get a life. That is my biggest challenge”.*

**Vela:** *“It is quite boring because I will wake up, clean the safe house, cook or maybe go to town. Maybe read a book. There is nothing interesting. It would help if there were certain tasks and programme that witnesses could engage in. Maybe OWP can find tasks and activities for witnesses like give us small jobs to do for the office, even if we do not get paid for it. Sitting alone, doing nothing and not being allowed to socialise is like killing us slowly”.*

**Steve:** *“I think before OWP admits a witness to the programme, they must interview us and find out what type of a person are you. For example I am a hard worker, I am not a person who can be expected to sit and do nothing...why don’t they allow us to do courses so that we can change our lives. OWP must expose us to opportunities that can help us like jobs. My life is stuck I don’t know what to do”.*

These suggestions are supported by Beune and Giebels (2013:16), Dulume (2016:142), Gana (2010:XVIII), Kankaew (2010:95) as well as Kayuni and Jamu (2015:430) that witnesses experience boredom and isolation as a result of sitting in the safe house with nothing to do. Thus, it is important for OWP to assist them to lead a productive life through recreational support and self-development. Koedam (1993: 363), Irish et al (2000:35) as well as Kayuni and Jamu (2015:430), state that the inability of witnesses to cope and manage boredom leads to anti-social behaviour, substance abuse, stress and anxiety.

- **Improved contact with family**

The witnesses' challenges of isolation as a result of not being able to see their family are discussed at length under sub-theme 4.3.2.4. These gave rise to the following suggestions on how the OWP can improve direct services to witnesses in relation to family reunions.

**Isaac:** *“OWP must make sure that our family is able to see us. They say that we are only allowed to see our families after one year, but I think maybe they can make it six months. Maybe I will feel better if I see my family”.*

**Selina:** *“I think OWP can improve...I have no problem with not seeing my family, but my children need to see my family at least once a year. Since we have been on the programme, we have seen our family once for about three days, and it was exciting and very emotional because we had not seen them for a long time”.*

**Thabo:** *“Regarding family relationships, it will help if we can have family visitations every year. My daughter back home is a teenager now, I really need to see her regularly and guide her as a father”.*

The suggestions of the three witnesses above are echoed by Appleyard (2011:70), Beune and Giebels (2013:66), Dandurand & Farr (2010:46), Kaur (2011:367) as well as Koedam (1993:366) that while some witnesses are able to tolerate isolation from family, some find it hard and resort to leaving the programme prematurely or initiate unsafe contact with their family; an act that could jeopardise their safety.

The need for witnesses to have family contact when in the programme is recorded and recommended in literature (Bakowski 2013:3; Beune & Giebels 2013:17; Mack 2014:228; UNOCD 2008:70). It is suggested that the OWP should put systems in place to ensure that family reunions take place in the form of family visits or secured video calls between witnesses and their families in a neutral and safe environment. This would enable witnesses to cope and adjust better to the programme.

- **Better assistance with reintegration**

As discussed under sub-theme 4.3.3.4 of this chapter, witnesses raised concerns about their life after they are discharged from protection. The concerns of witnesses have to do with their safety, accommodation, schooling needs of children, medical care, essentials required to start a new life, etc. The suggestions below underscore the need for the OWP to improve services to witnesses in terms of discharge, reintegration, and aftercare services.

**Selina:** *“...I would say OWP should get us a home like an RDP home or something like that when we leave”*

**Busi:** *“Our main concern is that the way they assist us here at the moment is ok but after we finish to testify where are we going? We cannot go back because the gangs definitely will kill us. When we finish here in the programme we have to start all over again. Where are we going to get money for the house, furniture, my medical needs...that is our concern. How are we going to survive? If OWP could assist us with all our needs it will be helpful”.*

**Thapelo:** *“In terms of the education of my children, I would like OWP to assist me... If we leave the programme in the middle of the year can OWP just ensure that my children remain in school because if I take them out of school, I will be violating their right to education”.*

In view of the suggestions by witnesses regarding improved reintegration and aftercare services, the researcher is of the view that the OWP should endeavour to provide care and support for witnesses even after the finalisation of the trial as threats do not always diminish at once. This would ensure successful reintegration of witnesses.

Appleyard (2011:18), Dandurand & Farr (2010:35) suggest that witness protection programmes should, after discharge of a witness, continue to make regular threat assessments in order to determine the existence of the threat on the life of a witness and provide the necessary support. It is important that the OWP assist witnesses with a home and link them with resources outside of the programme to ensure self-sustainability (Dulume 2016:145; Koedam 1993:363). This is applicable to

witnesses who are not able to go back to their homes after they are discharged from the programme. This could be achieved through skills training, collaboration with other governmental departments such as the Department of Social Development, NGOs and the private sector (Bakowski 2013:3; Dandurand & Farr 2010:45; Mahony 2010:108).

Irish et al (2000:42) are of the view that not all cases of witnesses require resource intensive discharge and relocation but those that do should be effectively managed, so that witnesses do not feel that the criminal justice system will abandon them once they finish delivering their testimony. Fery (2012:19) emphasises the need for witness protection programmes to make arrangements for medium and long- term protection measures as it would not be possible to terminate all services on the day of discharging a witness from the programme.

#### 4.3.5.2 Sub-theme: Staff members' suggestions to improve direct services to witnesses

The staff members raised similar concerns to those of witnesses regarding service delivery when it comes to witnesses. The following suggestions were made aimed at mitigating the difficulties faced by witnesses as well as the improvement of services. This sub-theme is divided into four categories as presented below.

- **Skills training for witnesses and assistance with job placement**

Social workers and senior managers raised the concern that witnesses are often not ready and prepared to face life after they have been discharged from the programme as a result of the lack of access to rehabilitation and skills development programmes while they are in OWP. This concern led to the following suggestions made on how the OWP can improve services to witnesses in order to prepare them for discharge and resettlement.

**Tom:** *“We can also consider short courses that witnesses can do in order to equip themselves with skills that will enable them to find jobs easily, especially when they leave OWP...we need to realign our programme with the policies of the Department of Education”.*

**Obed:** *“I strongly feel that we need a formal guide on this one [vocational skills training]. This will help to improve the circumstances of witnesses so that by the time they leave the programme they can get jobs. Unfortunately, with no skills, some will have no choice but to go back to crime”.*

**Lerato:** *“I think OWP should adopt a model that is used in prisons where social workers are able to see inmates...prepare them, empower them with skills to be able to function well when they leave the programme”.*

These suggestions tie in with those made by witnesses under sub-theme 4.3.3.3 of this chapter that witnesses would benefit from assistance in securing jobs and exposure to opportunities such as rehabilitation and skills development programmes. Available research on this subject suggests that without skills, witnesses are bound to depend on the allowance provided by the OWP and later when they leave the programme revert to their criminal activities to feed themselves (Council of Europe 1999:19; Dandurand & Farr 2010:45; Irish et al 2000:38; Koedam 1993:363; Mahony 2010:108; Newham 1995:11; UNOCD 2008:72).

Taking into account the high cost of running a witness protection programme and the continuous shortage of sufficient funds allocated to the OWP, skills development of witnesses could be achieved through collaboration with other government agencies such as the Department of Education, various Sector Education and Training Authorities (SETAs) available in South Africa and the Department of public works and infrastructure through its expanded public works programme (Appleyard 2011:19; Bendo 2015:8; Fyfe & McKay 2000:287; Khan 2013:31; UNOCD 2008:80). This type of collaboration is provided for in the Witness Protection Act 112 of 1998 (South Africa 1998: section 4).

- **Better reintegration and aftercare intervention**

These suggestions by protectors and senior managers are in line with those of witnesses under sub-theme 4.3.3.4, namely that there is a dire need for the OWP to improve reintegration and aftercare services to witnesses. These suggestions are a result of the challenges raised by staff members at the OWP, especially protectors,

that witnesses are mostly left to fend for themselves when they leave the programme in terms of safety, resources, and rebuilding their lives.

**Obed:** *“There must be an aftercare programme. Our Act does not make provision for that...but the Public Protector said there must be an aftercare programme. The Public Protector made recommendations that there should be an aftercare programme but those recommendations were never implemented”.*

The report of the Public Protector (2006:26) mentioned by **Obed** above, recommends the need to amend the Witness Protection Act to make provision for aftercare services in OWP.

**Anele:** *“There is no aftercare policy. It could work better if OWP could integrate with other government departments and discharge witnesses to other departments such as the Department of Social Development because they have better aftercare programmes. It is bad because once a witness leaves, our contact with the witness cease...they have no one to contact for assistance”.*

Aftercare service is part of a witness assistance programme and it is intended to ensure that a witness is able to assimilate well into their new environment after discharge from the programme. Without assistance, witnesses are forced to return to their danger area where they face the possibility of being killed. It is thus necessary for the OWP to provide an effective aftercare programme to witnesses by rendering care and support services before, during and after finalisation of the trial.

- **Social workers should have access to render services regularly**

The concerns about the difficulty of witnesses to access social work services were raised by all staff members and witnesses. The main challenge seems to originate from the practice that social workers in the OWP wait to be accompanied by protectors to see witnesses while the same officials who are tasked to accompany them are often not available, doing field work that requires them to spend weeks away from the office. This is exacerbated by the fact that the OWP is understaffed. The following suggestions seek to address the issue of access and the delay of this important service to witnesses:

**Warona:** *“I think social workers should be afforded freedom to visit witnesses at any given time. Like I mentioned, protectors are not trained and equipped to deal with challenges of witnesses. Protectors are always in a hurry when they visit witnesses as they do not protect one witness at a time. A social worker is best suited to listen to the concerns of the witness and help them”.*

**Lerato:** *“Witnesses in OWP wait for a long time before they can see a social worker. I think OWP should adopt a model that is used in prisons where social workers are able to see inmates immediately without waiting for the approval of management and appointments”.*

**Anele:** *“We had a social worker in this region and she was doing well. I don’t know why she was not given a car so that she could work independently because there was a vehicle that was purchased specifically for social work services. She was denied to use that car and it became a burden on protectors because whenever she had to go to see witnesses, she had to be accompanied by a protector. As it is we are short-staffed and there is no additional time to accompany each other to work. Sometimes the politics of OWP gets ahead of work and at the end of the day, witnesses are the ones who are suffering”.*

Researchers advocate for the psycho-social assessment of witnesses to be conducted together with a threat assessment at the initial stages of the programme in order to determine the needs of a witness and a comprehensive protection and management plan (Dandurand & Farr 2010:42; Irish et al 2000:42; Kayuni & Jamu 2015:431; Khan 2013:29; Mahony 2010:88; UNOCD 2008:27; Vincent 206:71). Witnesses should be afforded access to debriefing, counselling and therapy to enable them to deal with crime-induced traumas (Beune & Giebels 2013:16; Beqiri 2018:25; Council of Europe 1999:20; Dandurand & Farr 2010:78; Kaur 2011:366; Vincent 2016:30).

Kayuni & Jamu (2015: 429) state that psycho-social intervention should be provided to all witnesses in the programme without which they are likely not to recover from their emotional scars. Appleyard (2011:18) suggests that such intervention should be individually based, conducted by trained and qualified personnel.

- **Improved financial support for witnesses**

The issue of financial support for witnesses in the OWP appears to be a thorn in the flesh for both witnesses and protectors. Some of the challenges mentioned as a result of insufficient financial support are that witnesses initiate unsafe contact with family to ask for support, some sell OWP assets from the safe house to buy food; others resort to leaving the programme prematurely as they struggle to cope. It seems that witnesses experience hunger, especially those who were unemployed prior to joining the programme as they only receive a regulated monthly allowance of R750.

**Anele:** *“...allowances are not increased...there is also a standard clothing allowance per individual for the amount of R400 twice a year. There are no longer cheap shops where you can buy pants and a top for R400. OWP pays for school fees and school uniform and stationery for children but we do not provide for other small things that a child might require in school. Regarding extramural activities, a witness must write a strong motivation for consideration by the Regional Head. My view is that leaving serious decisions to the discretion of an individual is a problem. We need to have standardised procedures for everything”.*

**Ntsako:** *“...the determination of the salary replacement of witnesses is not in line with the state of the economy. Every year, for example, we get a salary increase as employees of OWP but the witnesses do not get it. Even the Value Added Tax (VAT) has gone up...the allowance that witnesses receive is very little”.*

With regards to financial assistance of witnesses, researchers agree that witness protection programmes may determine the amount that witnesses receive; may not compensate for income earned from illegal activities; and may not provide rewards that are aimed at improving the standard of living of a witness. However, researchers (Bendo 2015:7; Beune & Giebels 2013:21; Council of Europe 1999:20; Fyfe & McKay 2000:331; Irish et al 2000:37; Mack 2014:226; UNOCD 2008:69) are of the view that witnesses should not be compromised in terms of discrepancies between their income before they joined the programme and what is made available to them in protection. This is especially because witnesses are no longer able to continue with their jobs and they do not have access to family support.

According to Appleyard (2011:74), Council of Europe (1999:20) and Hamilton (1976:32), protection programmes should make efforts to support witnesses and not expect them to inconvenience themselves to give testimony in court. The economic conditions of a witness in the programme should be similar to their lifestyle at home. According to Council of Europe (2015:1), Dandurand & Farr (2010:55), Kariri and Salifu (2016:3) and UNODC 2008:54) there is a need for a co-ordinated effort between government and the private sector to fund the activities of witness protection programmes and enable the programme to render efficient services to witnesses.

4.3.5.3 Sub-theme: Staff members' suggestions to improve the OWP  
Staff members believe that some of the difficulties relating to service delivery to witnesses stem from programme-related challenges such as the management of the programme and policies and procedures in the OWP. The following suggestions are intended to improve the general functioning of the programme towards a more effective and efficient service delivery.

- **Amend/finalise and consistently implement the Witness Protection Act and policies**

Protectors and senior managers suggested that there should be a co-ordinated effort to ensure consistency in the implementation of the Witness Protection Act and finalisation of the internal policies that govern the day-to-day operations in the OWP in order to ensure uniformity in service delivery.

**Obed:** *“Structurally, I think our legislation is okay, the problem is that we are not implementing the provisions of the Act [Witness Protection Act]. For example, the Act was crafted to make OWP a programme of the Department of Justice...but we are a sub-programme of another programme...the programme should be placed where it belongs”.*

**Dakalo:** *“The policies that we have now, have been there from the beginning of OWP. In terms of the changes in South Africa I think policies need to be changed, reviewed and redeveloped from time to time depending on the changes that we*

*experience. For example we are still using the old strategy for determining the salary replacement and the allowances of witnesses”.*

**Wanga:** *“The National Office must get the policies right and ensure that the provinces implement them correctly”.*

Researchers (Appleyard 2011:14; Dandurand & Farr 2010:76; Newham 1995:8; Njeri 2016:2) are generally in agreement that the success of any witness protection programme is dependent on clear and transparent legislation and policies that seek to ensure consistency in service delivery, accountability of officials and integrity of the programme. Vincent (2016:35) and the UNODC (2008:94) emphasise the importance of consistency in the implementation of legislation and policy frameworks in witness protection programmes.

- **Place the OWP under the Department of Justice and Correctional services**

The challenges of the lack of resources and continued budget constraints that lead to the OWP being unable to discharge its mandate effectively resulted in suggestions for the OWP to be moved from the NPA and to resort directly under the Department of Justice and Correctional services as stated in the Witness Protection Act No 112 of 1998. The issue of the lack of resources was raised by all the participants who indicated that this matter has a direct negative impact on services to witnesses such as the inadequate monthly allowance, access to medical care, family visitations and insufficient staffing for the programme, including the training of protectors.

**Obed:** *“... In terms of the Witness Protection Act, we are working against the law. The Act clearly states that OWP shall resort under the Ministry of Justice as a programme. We are in the Ministry of Justice but as a sub-programme of another programme... This thing needs to be rectified... treasury only makes direct allocation of funds up to a level of a programme meaning as a sub programme we only receive crumbs from our mother programme.*

**Anele:** *“... If government and management could make it possible that OWP be independent from the NPA... services will be better and witnesses will cope more easily”*

The researcher could not find research that supports the link between the location of a witness protection programme and lack of resources and services to witnesses. However, there is ample literature confirming that protection programmes should be separated from the prosecution and investigation agencies to ensure impartiality and avoid claims by defence counsels that witnesses are coached to testify in favour of the prosecution authority (Appleyard 2011:13; Council of Europe 2015:2; Dandurand & Farr 2010:14; UNOCD 2008:53).

Fery (2012:9) and Vincent (2016:34) posit that in countries where a witness protection programme falls under the police or the prosecution department, there should be total independence between the two agencies to avoid pollution in decision making. The study of Mahony (2010:97) revealed that the location of OWP is a concern as it is believed to undermine the impartiality of the programme as a result of the alleged political interference in the prosecutorial processes.

- **The same safe houses should not be used repeatedly**

The compromised identity of the safe house was raised by both witnesses and protectors. The main concern here was that witnesses are removed from a danger area and placed in a safe house to protect their identity and safety. It is problematic if the safe house is known to members of the community as this information could lead to the identity of the witness being revealed to the perpetrators. Some cases of witnesses involve media coverage and the community can easily recognise a witness after they have seen him/her on television screens. This challenge led to the following suggestions made by protectors:

**Tumelo:** *“The important issue to note is that we should not use one accommodation more than once...we are putting witnesses’ lives in danger by using one safe house over-and-over again. The safe houses must be used once. I understand that we want to get value for money but that value for money could lead to the death of a witness”.*

**Wanga:** *“...The problem is when we use a safe house over-and-over again the public picks it up and start asking questions. In my opinion safe houses should only be used once and we move to another safe house”.*

**Obed:** *“The safe house, rather than the fact that it is a secret affair, it also has to meet certain norms and standards. For example, we do not establish safe houses in townships or villages because the community there is expected to attend Lekgotla [community gathering] and introduce themselves to the heads man, and witnesses cannot afford to go through that process”.*

The main reason why witnesses are removed from a danger area into witness protection is to save their lives from perpetrators of crime. Exposing the identity of the location of a witness is not only risky but also self-defeating on the side of the OWP. Vasile (2015: 187) states that the identity of a safe house should not be known to the general public as that could compromise the life of a witness. According to Stepakoff et al (2017: 272), safe houses should be in a secret location with round the clock security and restricted access. Bakowski (2013:3), Council of Europe (1999:19), Fyfe and McKay (2000:287) go further to say the safe house should be changed should there be suspicion that its identity has been compromised.

- **Additional personnel and training for OWP officials**

The following suggestions by protectors, social workers and senior managers emanate from the challenge raised that the OWP is understaffed and the officials take strain as a result. These challenges are linked to insufficient funding for the OWP’s activities and the lack of training and refresher training courses for the protection staff. The researcher finds it alarming that the officials who are tasked with the responsibility to protect the lives of witnesses are unable to keep abreast with developments in the field of witness protection because of lack of training and financial constraints. The following are the suggestions of staff members on the recruitment of additional staff members and funding for training.

**Warona:** *“The other issue is that we need more personnel, for protectors managing about five witnesses at a time is challenging. While protectors work with*

*approximately five witnesses at a time, a social worker works with all witnesses in the province... so there is a need to recruit more staff”.*

**Anele:** *“The other thing that I can add is the issue of manpower. OWP is too much under-staffed. We recently received a memorandum from Head Office that there is no budget to fill the vacant posts and to create new posts. This shortage puts a lot of pressure and strain on us protectors, our health and our families. It also creates problems because we cannot discharge our mandate as well as we would like to”.*

**Tumelo:** *“Training...when we first started to work here, we went to a lot of trainings but now of late there has been budget constraints. For example, there are new protectors; everyone must receive the same training and the standard of training must be the same. The age of the protectors for example, some protectors are 60 years old and are struggling with fitness. My suggestion is that there should be continuous criteria to test fitness, some protectors cannot run, cannot operate a firearm well”.*

It is important for governments to put systems in place to ensure that the operations of OWP are well funded. Researchers believe that the high cost of running a protection programme is outweighed by the need and importance to eradicate organised crime (Appleyard 2011:17; Council of Europe 2011:2; Njeri 2016:3; UNOCD 2008:51). Mahony (2010:176) recommends an increase in the number of personnel who are responsible for rendering psycho-social services and post-testimony services for witnesses. Appleyard (2011:17) suggests that governments should allocate an adequate budget through their national budget, supplemented by donor support.

Researchers emphasise that the staff in the programme should be highly skilled and regularly empowered with refresher courses that will sharpen their skills and empower them to keep abreast with developments in the field of witness protection (Appleyard 2011:60; Council of Europe 2005:4; Dandurand & Farr 2010:56; Dulume 2016:146; Kayuni & Jamu 2015:435; Newham 1995:10; UNODC 2008:54). The lack of required skills and training in OWP could compromise the safety of both witnesses and protectors.

- **Better internal communication between OWP staff and management**

The challenge of poor communication within the OWP was raised by protectors and social workers. The accounts of participants suggest that information does not flow and does not reach all officials. This seems to cause confusion and indirectly impacts service delivery to witnesses. The absence of proper communication flow would explain the inconsistency in service delivery as mentioned by Fumani under sub-theme 4.3.2.2. The following suggestions seek to improve the flow of communication within the OWP.

**Jon:** *“I think internally there has to be constant communication, I find the situation where someone is doing this and the other is doing that. There is no collaboration yet we all have a role to play. It is a problem if there is separation, people decide that I can work with this one and can’t work with that one. OWP needs to tap into the resources within the organisation and recognise every skill within the organisation. OWP needs to have regular strategic plan sessions to discuss best practice. We have regions and we have a National Office, but does National Office knows what is happening in the regions/provinces? Is there feedback and monitoring? There must be some sort of co-ordination of services, clear decision making, clear directives and support by National Office”.*

**Tebogo:** *“All aspects of communication must be improved. Sometimes we tell the witness something and management come and tell the witness something else, that conflicting message can course major problems.”*

**Palesa:** *“We must have a guideline, and they must empower us how to respond to witnesses’ requests...sometimes the protector does not even know what their role is because of inconsistency in OWP procedures; you just try to keep the witness as happy as you can...there is no communication”.*

The researcher could not find much literature on the aspect of communication and its impact on service delivery. Beune and Giebels (2013:93) emphasise the importance of avoiding misunderstandings and confusion in witness protection programmes by ensuring clear communication and support of those involved in the protection of witnesses.

- **Improved support for the emotional well-being of protectors**

Protectors raised concerns about their emotional well-being and the lack of support from management. The field of witness protection exposes protectors to trauma which if not dealt with could have a negative impact on direct services to witnesses. The lack of unity among officials is a great concern and probably explains the reported lack of flow in communication and inconsistency in service delivery as discussed below.

**Wanga:** *“The well-being of protectors. Like I said most of the prospectors come from the police background and have been taught that a man does not cry. There are times when there is so much stress that comes on us. Another issue that stresses protectors is that of danger payment and performance bonuses. The current system of performance assessments is not working well and it creates tensions. When a protector is negative, it affects the witness”.*

**Tebogo:** *“I think the wellness of protectors is very important. No one cares about us here. I am always on duty. My phone is on my bedside when I sleep because I can receive a call at any time to go and do some work. We hear sad stories of witnesses all the time and it is not nice, we have to try to balance and adjust but it is hard. Nobody care to find out how we are doing emotionally. OWP is just happy to see us escort witnesses to court”.*

**Palesa:** *“I was shocked, when I joined OWP to realise that managers at Head Office do not care about us as protectors, all they are interested in is their camps/factions and this affect provincial offices terribly... It got to an extent that I do not go to head office anymore because I am so scared, If I walk into one managers’ office and the other one sees me, they don’t like it. So when I take our documents to Head Office, I prefer to leave it at the front desk... Even when it comes to going to operations, a protector is sometimes sent alone which is also not safe...I still don’t have a bulletproof vest after I have made so many requests. Let me just say I am disappointed with the way OWP is doing things, it is not what I thought”.*

These suggestions made by protectors are supported by Kayuni and Jamu (2015:429), Mahony (2010:98), UNOCD (2004:256) that it is important that

protection personnel are afforded psycho-social support as they are exposed to stress and anxiety in the course of doing their work. This would help to prevent and manage professional tiredness. Mujkanovic (2014:68) states that protection personnel may reflect on the sad and traumatic stories which they hear from witnesses. It is important to ensure provision of adequate support, regular training, supervision as well as peer meetings for protection personnel in order to avoid burnout and trauma. The UNODC (2008:49) suggests rotation of staff as part of managing burnout. The Council of Europe (2018:4) emphasises the importance of providing protection personnel with adequate guidelines, support and supervision to enable them to manage witnesses properly.

The researcher is of the view that the purpose of supervision should not only be to ensure quality control in service delivery, but also to provide emotional support, advice, debriefing, individual or group counselling as well as information on how best to attend to the needs and requests of witnesses.

- **Better interdepartmental collaboration**

The challenge of interdepartmental collaboration raised by protectors and senior managers under sub-theme 4.3.4.2 is linked to poor reintegration and aftercare services, as well as the lack of rehabilitation and skills development programmes for the benefit of witnesses in OWP. The following suggestions were made that are intended to improve collaboration between the OWP and other government agencies.

**Anele:** *“It would work better if OWP could integrate with other government departments and discharge witnesses to other departments such as the Department of Social Development because they render better aftercare programmes”.*

**Warona:** *“OWP is a state organ, practically it should be easy to help witnesses ...through collaboration with other departments but it is difficult. I don’t understand why state departments are not working together to give a witness a better resettlement”.*

**Obed:** ...*“we have however not made any contact with the Department of Social Department and I think we should have. So that we can disseminate information to their regional offices and the NGOs. I think we are lacking on that part”.*

There is consensus among scholars that witness protection programmes should not function in isolation but as part of a broader crime eradication strategy within the criminal justice system. Thus, collaboration with other state departments is encouraged in order to enhance the success of the programme. This could be achieved by signing memoranda of understanding with other departments and clarifying their roles in terms of support and sharing of resources (Appleyard 2011:13; Dandurand & Farr 2010:56; Fyfe & McKay 2000:287; Irish et al 2000:33; Khan 2013:31; UNOCD 2008:80).

Scholars (Appleyard 2011:74; Irish et al 2000:33; Kayuni & Jamu 2015:430) are of the view that the criminal justice system institutions alone are not enough to produce justice. As such, there is a need for collaboration with institutions that provide health and safety, mental health and psycho-social support, education, housing and etc to ensure the effective service delivery to witnesses and the victims of crime.

The UN Human Rights Monitoring (2011:39) suggests that sound collaboration would be instrumental in ensuring timeous rendering of services such as emergency medical care, psycho-social, accommodation, educational, etc. Appleyard (2011:19) and the Council of Europe (2011:1) emphasise that protection programmes should, through collaboration efforts, put in place measures to transfer certain responsibilities to other government agencies and NGOs, especially at the time when witnesses exit the programme so as to ensure continuity of service delivery.

- **A co-ordinated effort to ensure speedy finalisation of court cases**

Protectors raised the challenges of continuous postponement of court cases resulting in witnesses staying in the programme too long. The delayed finalisation of cases is said to have an impact on the resources of the OWP, meaning the longer the witnesses stay in the programme, the more resources are used to protect them. This concern ties in with the views of witnesses as discussed under sub-theme 4.3.2.1 that they experience undue delays in terms of their court cases. The

following suggestions were made by protectors in relation to speeding up witnesses' cases and a reduction of the length of stay of witnesses in the programme.

**Tebogo:** *"Some IOs are not positive in doing their job. A lot of cases are reminded and very few are concluded. This affects witnesses too much when cases are postponed continuously. But I also feel that somewhere at the top OWP management should engage the courts and make them aware of our role and the resources that goes into protecting a witness for court appearance. It is a cost factor as well".*

**Tshepo:** *"At the present moment the court is one of our biggest challenges in that witnesses are staying on the programme for more than five years without testifying, and later we receive a letter from the Director of Public Prosecutions (DPP) saying the witness may be discharged, meaning the witness will no longer be required to testify in court. I think the DPP could fast track OWP cases. The DPP must also be certain before they send a witness to OWP that they will need that witness's testimony. This will help us to save a lot of OWP resources".*

**Tumelo:** *"Sometime witnesses stay too long on the programme like three to four years or longer. It will help if the cases of witnesses could be fast-tracked. I think the police must do something but also the DPP has a role. They can try to push the IOs to finalise the investigation faster. Mostly the prosecutor knows in advance before the day of the court that a specific case is going to be postponed because of pending investigations or other reasons. They must then inform OWP so that a witness only travels to court when they are going to testify, not to appear in court just for a postponement".*

Tumelo's account is supported by Hamilton (1976:34) that prosecutors should put in place a system that would enable them to notify witnesses of possible postponements well in advance to avoid appearing in court for postponement procedures. Minaar (2002:126) states that the lengthy stay of witnesses in OWP is problematic. Researchers (Beune & Giebels 2013:93; Beqiri 2008:39, Mack 2014:236) suggest that efforts should be made to shorten the witness' stay on the programme as much as it is possible so as to enable them to move on with their

lives sooner as lengthy stay in the programme could result in adverse effects in the life of a witness such as long-term mental health.

#### 4.4 SUMMARY OF THE CHAPTER

This chapter was dedicated to the presentation of the research findings. The presentation focused on the five themes namely, awareness and knowledge of witnesses and staff members; witnesses' perception and experiences of the various role players in the OWP, witnesses' experience, challenges and coping strategies related to being in protection, the programme-related challenges of the OWP as perceived by staff members and suggestions by witnesses and staff members on coordinated service delivery.

The findings of Theme One were presented through two sub-themes and six categories. The findings highlighted the lack of awareness about the existence of the OWP by witnesses, the justice sector system officials and broader society. It is reported that lack of knowledge creates expectations for witnesses that cannot be fulfilled by the OWP.

Theme Two was divided into four sub-themes and 12 categories. The outcome of the study points to the difficulties faced by witnesses in OWP such as undue delay of court cases and their experiences and perceptions of the various role players in the programme such as the protectors, social workers and their family. Witnesses expressed both negative and positive encounters regarding the various role players.

Theme Three reported on the five sub-themes, 18 categories and six sub-categories. The focus of the presentation was on the challenges and coping strategies of witnesses in protection from the point of view of both witnesses and staff members. The challenges discussed include boredom and loneliness experienced by witnesses and the impact of the rules of the programme on the ability of witnesses to socialise. Other aspects of Theme Three had to do with difficulties of witnesses in securing employment, access to medical care, access to social work services and insufficient financial support.

Flowing from this was Theme Four with a presentation of the programme- related challenges that impact direct services to witnesses. The challenges identified by staff members corroborate those raised by witnesses. Two sub-themes emerged from this theme and a further eight categories were presented in order to provide understanding of the challenges. The two main sub-themes were policy-related and management-related challenges of the programme.

Finally, Theme Five had to do with the suggestions by both witnesses and staff members on service delivery improvement in the OWP. Theme Five emerged into three sub-themes and 18 categories. The suggestions were based largely on the challenges that were discussed in Themes Two and Three. The main suggestions focused on financial assistance, job placement support, family reunions, improved reintegration services, and better environment enrichment for witnesses. The staff members' suggestions had to do with improvement of the programme and improvement of direct services to witnesses.

# CHAPTER FIVE: GUIDELINES FOR CO-ORDINATED SERVICE DELIVERY DEVELOPED FROM A SOCIAL WORK PERSPECTIVE

## 5.1 INTRODUCTION

The protection of vulnerable witnesses in South Africa started decades ago. These many years of protecting witnesses have resulted in vast knowledge, experience and expertise in the field of witness protection. South Africa was the first country in Africa to establish a witness protection programme and continues to provide support and mentorship to fellow African countries that are beginning to establish witness protection programmes (Kariri & Salifu 2016:5). One of the successes of the OWP is that no witness has been harmed or killed while under active protection since its inception. Having said this, however, the findings of this study based on the experiences and challenges of witnesses in South Africa point to the need for a co-ordinated approach in terms of service delivery to witnesses. The development of the proposed guidelines is thus intended to address the gaps in service delivery as identified and suggested by both witnesses and OWP staff members. In developing the guidelines from a social work perspective, the researcher took into consideration the views of witnesses, protectors, social workers and senior managers in order to ensure a co-ordinated approach. The gaps, as identified in the findings in Chapter Four, are summarised below:

- Lack of awareness and knowledge of the existence of the OWP in the community and amid the criminal justice system
- Lack of sufficient information for witnesses during recruitment and admission into the programme
- Lack of collaboration with other stakeholders for effective service delivery to witnesses
- Fragmentation/lack of co-ordination of services
- Lack of rehabilitation and skills training to capacitate witnesses and prepare them to be self-reliant when they exit the programme

- Difficulties for witnesses to secure jobs while under the programme
- Lack of contact with family
- Insufficient financial support
- Difficulties for witnesses to access psycho-social services
- Difficulties for witnesses to access medical care
- Lack of support for witnesses to ensure successful reintegration
- The need to amend the Witness Protection Act.

The proposed guidelines are by no means intended to substitute the existing policies, internal processes and standards of the OWP but rather to add to the standard operating procedures that are already in place in order to ensure a co-ordinated approach and to enhance the delivery of services to witnesses. It is anticipated that these guidelines will serve as a framework for the multidisciplinary team that is responsible for rendering services to witnesses.

Social work literature suggests that guidelines refer to a set of developed statements intended to assist practitioners with a process to follow when delivering a service (Cohen, Gerding, Jonson, Kelly, Loo, McDonald, Pepin & Wilcox 2010:434). Guidelines aim to assist in the identification of a safe and best process that will result in optimum outcomes in rendering services (Hackett, Ashby, Parker, Goody & Power 2017:86). Almazrou (2013:147) states that the development and implementation of guidelines can result in evidence-based practice. According to Avby, Nilsen and Dahlgren (2014:1367), Yates, Nix, Coldiron and Williams (2015:93) evidence-based practice is an integration of clients' needs, practitioner expertise and empirically validated evidence.

The proposed guidelines are thus a result of information gained by means of scientific collection and analysis of data from the research process of this study and literature on best practices. The researcher, in developing these guidelines, included the findings of this research as presented in Chapter Four.

## 5.2 THE LEGISLATIVE FRAMEWORK UNDERPINNING THE GUIDELINES

The proposed guidelines are entrenched in the following legislative framework:

- **The Constitution of South Africa Act 108 of 1996**

The Constitution (South Africa 1996:section 7) makes provision for the fundamental human rights of the citizens of this country such as the right to life, security, human dignity, equality, adequate housing, health care, food, social security etc. Witnesses, like all other citizens, have the right to be protected from harm and intimidation by perpetrators of crime. They have the right to be treated with respect and dignity while they are under protection. The right to be treated equally and to be provided with support, such as access to healthcare, financial support and adequate housing when they exit the programme to ensure successful reintegration back into communities. In rendering services to witnesses, a high standard of professionalism needs to be maintained by all officials who are responsible for service delivery.

- **The White Paper on Families 2013**

Families are fundamental to the functioning of society. The White Paper on Families (Department of Social Development 2013:18) aims to capacitate families to build resilience and social capital towards family preservation and the smooth functioning of society. It is important that the principle of family preservation be observed when admitting witnesses to OWP by either admitting the family of the witness to the programme or ensuring that the witness is able to maintain contact with his/her family back home. This will contribute to the successful family reunification. Appropriate interventions are essential to assist those who are in the programme to be able to adjust and cope in their new environment by OWP social workers.

- **The White Paper on Transforming Public Service Delivery 1997**

In a democracy such as South Africa, delivery of quality services in the public sector is not a privilege but an expectation (Department of Public Administration 1997:4). Delivery of services to the public is established on the

eight transformation priority areas commonly known as Batho Pele principles that advocate for the interests of people to be prioritised in the development and implementation of interventions and service delivery (Department of Public Administration 1997:11). In the OWP, delivery of services should be geared to meeting the individual needs of witnesses and continuously be looking for ways and means to improve service delivery. Witnesses should be provided with sufficient information about the programme, services available to them and their own protection plan by the protection officials.

- **The Service Charter for Victims of Crime in South Africa 2004**

The victims' charter provides a framework for the consolidation of various laws that relate to service delivery to victims and witnesses of crime. The charter advocates for excellence in service delivery by ensuring that the needs of victims and witnesses are prioritised. It also promotes the provision of recourse for victims and witnesses as well as the elimination of secondary victimisation, which is often a result of a poor response by the criminal justice system to witnesses' needs (Department of Justice 2004:8). Services to witnesses should be provided in a coordinated manner by the multidisciplinary team within the programme to ensure a holistic approach.

- **The Generic Norms and Standards for Social Welfare in South Africa 2011**

Service delivery in the public service must be delivered through a collaborative approach of inter-sectoral and interdepartmental interventions. A referral system between various government departments and sectors as well as monitoring and evaluation procedures must be in place to ensure continuous quality improvement of services. Service users must be afforded a user-friendly complaints mechanism to ensure redress. Collaboration between the OWP and other government departments is vital to ensure an integrated approach and efficacy in the protection of witnesses. The collaborations could be formed both at the national and provincial level by the head of OWP and provincial managers.

- **The Children's Act 38 of 2005**

Children often go into the witness protection programme with their parents either as a witness or a dependant. In certain circumstances, children are left in the care of extended family members while parents are in the programme. Either way, in rendering services to children, the best interests of the child must be of paramount importance as provided for in the Children's Act 38 of 2005 (South Africa 2006: section 9). Children have the right to participate in age appropriate matters, interventions that affect them, their protection and well-being and their views must be taken into consideration. The Act further provides for the preservation of families through strategies and programmes that capacitate and strengthen the family. This means a child must be raised in a conducive home environment. Upon admission to the programme, children of school going age should be placed in schools and access to health clinic programmes for the younger ones should be initiated swiftly to ensure continuity of services.

- **The Criminal Procedure Act 51 of 1977 and the Witness Protection Act 112 of 1998**

Witnesses are admitted to OWP in terms of the Witness Protection Act 112 of 1998 (South Africa 1998: section 7). In addition, some witnesses are admitted in terms of the Criminal Procedure Act (South Africa 1998: section 204) meaning such witnesses are part of the commission of the crime for which they are prepared to testify in favour of the prosecution. It is thus important to note the dynamics of the different types of witnesses and the services relevant to them such as rehabilitation and skills development programmes by the multidisciplinary team.

- **The Promotion of Access to Information Act 2 of 2000**

Access to information of everyone within the borders of South Africa is a constitutional right in line with section 32 of the Constitution Act 108 of 1996. The Promotion of Access to Information Act 2 of 2000 (South Africa: section 9) makes provision for access to information to empower and educate citizens to understand their rights and to be able to make informed decisions. Access to information also promotes the culture of transparency and accountability in

public organisations. Witnesses have the right to access information in terms of what the OWP is and how it functions so that they are able to decide if they want to participate in the programme or not. Information should be provided during the recruitment phase, admission, through the witnesses' stay in the programme and during discharge by all officials who renders services to witnesses in OWP and externally such as police officers, Department of Social Development social workers and prosecutors.

### 5.3 THE THEORETICAL APPROACHES RELEVANT TO THE PROPOSED GUIDELINES FOR SERVICE DELIVERY

In Chapter Two, the researcher presented a discussion of the two theories, which the study draws from, namely the crisis theory of Caplan (1964) and the coping theory of Lazarus (1993). The theories were useful in terms of understanding the topic under investigation as well as to interpret the findings of the study. In addition, the researcher deemed it necessary to incorporate a second set of theories in this chapter that focuses primarily on the guidelines in order to provide a foundation for the significance of the concept of a co-ordinated service delivery approach. These theories are specifically applicable to the implementation of the proposed guidelines for the OWP and serve to enhance the understanding of a co-ordinated service delivery approach. The theoretical approaches relevant to the proposed guidelines for rendering services to witnesses in OWP will be discussed in the next section.

- **Systems theory and systems thinking approach**

Systems theory is concerned with the interdependency of various systems and how an occurrence in one system can affect the other parts. The systems theory provides a framework for understanding individual behaviour within an environment and social context (Broks 2016:408). In rendering services to witnesses, it is important to understand witnesses as individuals; their emotions and thoughts that affect their behaviour as well as the impact of the environment and how they respond to it. Witnesses are also affected by a set of other related systems such as loss of contact with their family back home, loss of employment, educational needs of children, the inability to access their religious community and the difficulty to fit into the community where they are protected. To ensure efficient and co-ordinated

service delivery to witnesses in OWP, the systems theory should be applied in conjunction with the ecosystem, strength and structural approaches (Gray 2009:80).

The **ecosystem approach** adds to the physical or natural environment by focusing on the conducive conditions within the environment that are required for an individual to function at an optimal level (Teater 2014:1; Gray 2010:86). In OWP, witnesses have the need to maintain contact with their family and social networks in order to preserve a sense of belonging and healthy social functioning. Another important approach is the **strength perspective** that is concerned with the capacity of individuals and their resilience to overcome challenges within their environment such as natural disasters, problems with the family, neighbours and colleagues (Zastrow 2015:51). This approach is helpful in understanding the coping mechanisms of witnesses regarding challenges that witnesses experience in the witness protection programme such as social uprooting, isolation, unemployment, insufficient financial support and difficulties in accessing medical care. On the other hand, the **structural approach** focuses on how the lack of resources required to lead a healthy and fulfilling life because of oppression by other social systems, affect witnesses' functioning (Chan 2018:22). In rendering services to witnesses, it is important to note that the nature of the programme indirectly marginalises witnesses because of its isolation and restrictions on movement, and therefore means and ways must be sought to empower witnesses to function within the limited resources. These approaches also provide a framework for the psycho-social assessment of witnesses and make it easier for those rendering services to witnesses to identify ways of helping witnesses to fit in, cope and adjust better in the programme.

## 5.4 THE RATIONALE FOR THE PROPOSED GUIDELINES

The guidelines are necessitated by the gaps in service delivery to witnesses and the lack of existing guidelines that give direction to the processes to be followed in delivery of services to witnesses in OWP. These guidelines are thus intended to mitigate the gaps identified in this study in terms of rendering services to witnesses. The guidelines are designed to provide a practical process to follow and how to render effective and efficient services that are responsive to the needs of the

witnesses in OWP. It is anticipated that these guidelines will produce the outputs listed below:

- Improved knowledge and awareness of the OWP in communities through availability of information
- Well informed witnesses because of the availability of information about the OWP's processes
- Improved service delivery because of the collaboration between the OWP and various government departments
- Ability of witnesses to cope and adjust better in the programme because of the co-ordinated and holistic service delivery approach and reduced number of witnesses who resign from the programme prematurely
- Rehabilitated and skilled witnesses through the implementation of rehabilitation and skills development programmes
- Availability of job placement programmes
- Improved family relationships because of a family reunion programme
- Provision of improved financial support
- Accessible, integrated psycho-social services for witnesses
- Ability of witnesses to access medical care with ease
- Availability of reintegration support and provision of aftercare services
- Amendment of the Act to make changes to section 6, and make amendments to the provision for identity change and aftercare services.

The significance and output of the guidelines described above are based on the suggestions of participants in line with sub-theme 4.3.5.1, suggestions by witnesses to improve direct services to witnesses in OWP and 4.3.5.2, suggestions by OWP staff members to improve direct services to witnesses.

## 5.5 SERVICE DELIVERY PRINCIPLES TO BE TAKEN INTO CONSIDERATION WHEN RENDERING SERVICES TO WITNESSES

The following comprehensive principles, based on the legislative framework that underpins these guidelines as discussed under section 5.2, are to be observed by social workers, protectors, regional managers, senior managers, other OWP officials and external service providers in rendering services to witnesses.

- **Non-judgemental**

The service delivery approach should be non-judgemental and non-discriminatory in terms of moral standards, culture and religious practices and personal views (Madhusudanan & Nalini 2015:108). It is important that equality and consistency be observed to avoid discrepancies in service delivery.

- **Non-discrimination**

The OWP officials need to guard against discrimination of witnesses based on the circumstances that led to their admission to the programme. For example, witnesses who were admitted in terms of section 204 of the Criminal Procedure Act meaning they took part in the commission of crime, witnesses who were involved in sex work, etc. Witnesses should be treated equally with respect for their dignity regardless of their nationality, social standing, level of education, race, and gender, religious and cultural beliefs (DSD Service Delivery Model 2005:17; Rome Statute 1998:33; South Africa 1996:99).

- **Respect and dignity**

Admission to the witness protection programme compels witnesses to make sacrifices that affect their lives negatively such as giving up their jobs, social uprooting and isolation in order to assist the criminal justice system to achieve successful prosecutions and convictions. It is thus important that witnesses be acknowledged for the important role they play by treating them with dignity, respect and courtesy (The Rome Statute 1998: section 33).

- **Uniqueness**

In providing support and rendering services to witnesses, a universal approach should be avoided as witnesses and their families are diverse with unique needs (Department of Social Development 2013:9). Services to witnesses should be individualistic and responsive, based on the needs of specific witnesses and their families.

- **Integrated approach**

Services to witnesses should be rendered through an integrated and co-ordinated system by relevant role players in accordance with the Integrated Victim Empowerment Policy (Department of Social Development 2007:9). An integrated approach to service delivery refers to the collaboration of a multidisciplinary team, inter-sectoral and interdepartmental collaborations between government departments, NGOs, the private sector and civil society to ensure efficacy in service delivery to a specific population of service users. The protection of witnesses alone cannot yield justice and eradicate crime, thus the success of the witness protection programme requires the collaboration and support of other stakeholders such as the Departments of Health, Education, Human Settlements, Employment and Labour, Social Development and Home Affairs (Bhushan & Pranati 2007:19; Dulume 2016:14; Hart 2009:771; Mujkanovic 2014:58; Nowroz 2015:32). Further, co-ordination of internal service delivery of the multidisciplinary team within the OWP is vital to ensure integration of services.

- **Self-reliance**

Services to witnesses should aim at empowering them to be self-reliant. Witnesses halt their lives when they go into OWP. They terminate contact with family and social networks and assume a new identity. Some, unfortunately, are not able to return to their homes after they finish testifying owing to persisting threats on their lives (UNODC 2008:72). This is often the case in matters that are related to gang groupings, organised crime and corruption committed by powerful individuals in society. It is important that witnesses be empowered to become self-reliant when they leave the programme, especially those who are unable to return to their homes. Some witnesses who were part

of crime syndicates find it difficult to secure employment because of lack of skills and criminal records. Such witnesses require rehabilitation and skills development training. Capacitating them will provide an alternative to crime, without which they would have no choice but to revert to criminal activities to feed themselves when they are discharged from the programme. In the absence of rehabilitation, the OWP is likely to continue to recycle criminals into the programme and back into the community to commit more crime. Research has shown that over 20% of witnesses start to engage in crime while they are still under the witness protection programme because of lack of rehabilitation (Mahony 2010:10).

- **Family preservation**

Services to witnesses should be geared towards preserving family relationships (Department of Social Development 2009:9). While the Witness Protection Act 112 of 1998 (South Africa 1998: section 7) makes provision for witnesses to be admitted to the programme together with their family. Some witnesses go into the programme alone for various reasons unique to their circumstances. This means the witness could be in the programme for years without having contact with family. The OWP should endeavour to preserve and strengthen families by creating opportunities for witnesses to maintain family contact (Department of Social Development 2013:3).

- **Empowerment**

The witnesses' rights are violated by experiencing crime and intimidation by the perpetrators of crime. Witnesses must therefore be empowered to gain their strength and to heal from crime-induced trauma. The concept of empowerment is achieved through creating an enabling environment and opportunities that assist the witness to build capacity and make informed decisions about their circumstances, pick up the pieces and move on with their life (Department of Social Development 2009:8; Department of Social Development 2005 16).

- **Accountability**

In rendering services to witnesses, the OWP and its officials should be accountable and responsible for the delivery of appropriate and quality services. Officials should maintain an open mind, benchmark services with other successful witness protection programmes and keep abreast of trends in the protection of vulnerable witnesses. The model of service delivery should be reviewed from time to time to assess efficiency; if found not to respond to the needs of the witnesses, it should be changed (Department of Social Development 2007: 8).

## 5.6 INTENDED AUDIENCE

These guidelines are developed from a social work perspective, based on the input of witnesses, protectors, social workers and senior managers. However they are intended not only for social workers but for all staff members in the OWP who are responsible for rendering services to witnesses at various levels. This includes protectors, social workers, regional managers, senior managers and support personnel. External stakeholders include police officers, prosecutors and Department of Social Development social workers etc.

## 5.7 GUIDELINES AND THE SUGGESTED PROCESS FOR IMPLEMENTING THE GUIDELINES

The following table outlines the guidelines based on the findings and suggestions of the participants and literature, on how to best to ensure a coordinated service delivery approach to witnesses in OWP as well as the process to be followed in implementing the guidelines by relevant officials.

Table 5.1: The guidelines and the process of implementation

<b>FINDINGS OF THIS STUDY BASED ON SUGGESTIONS OF PARTICIPANTS</b> (witnesses, protectors, social workers and senior managers)	<b>PROPOSED GUIDELINES</b>	<b>PROCESS OF IMPLEMENTING THE GUIDELINES</b>	<b>RELEVANT LEGAL FRAMEWORKS, THEORIES AND PRINCIPLES</b>
<ul style="list-style-type: none"> <li>• <b>Lack of awareness and knowledge of the existence of the OWP in the community and among the criminal justice system officials.</b></li> </ul>	<p>Creation of awareness of the OWP programme</p>	<p>Awareness should be created in communities about the existence of the OWP and the services rendered by the programme. This will enable members of the community to come forward with information that will aid police investigations. This can be achieved through a collaboration between OWP social workers and social workers from the Department of Social Development.</p> <p>The senior managers of OWP should develop awareness programmes and ensure implementation targeting the officials responsible for the recruitment of witnesses</p>	<p>The Constitution Act 108 of 1996: Chapter 2; Promotion of Access to Information Act 2 of 2000.</p>

		<p>(police officers, prosecutors and social workers outside the OWP). This will enable these officials to recruit witnesses who meet the admission requirements.</p> <p>Pamphlets about OWP services and how witnesses can apply for protection should be developed by the senior managers of OWP and distributed at key service delivery points by police officers, prosecutors and social workers of the Department of Social Development.</p> <p>A website and a 24-hour hotline dedicated to promoting the services of the OWP with emergency contact details for the programme should be developed by the head of OWP and senior managers.</p>	
<ul style="list-style-type: none"> <li>• <b>Lack of sufficient information for witnesses during the recruitment and</b></li> </ul>	Readily available information for officials who are	During recruitment and admission to the programme, witnesses should be provided with sufficient information on how the	The Witness Protection Act 112/98: section; The Constitution Act 108 of

<p><b>admission into the programme.</b></p>	<p>responsible for the recruitment and application process of witnesses.</p>	<p>programme operates by the police officers and prosecutors who are responsible for recruitment.</p> <p>Information provided to witnesses should include details about the OWP such as the terms and conditions of the protection programme, the possible length of stay in the programme and support services available to witnesses. The awareness campaigns by OWP targeting police officers and prosecutors will enable them to filter the correct information to potential witnesses.</p> <p>Witnesses should be made aware of the various other protection methods outside of the witness protection programme to enable them to make informed decisions about entering the programme. This can be done by police officers, prosecutors and the social</p>	<p>1996: section 32; The Promotion of Access to Information Act 2 of 2000.</p>
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		workers from the Department of Social Development.	
<ul style="list-style-type: none"> <li>• <b>Lack of collaboration with other stakeholders for effective service delivery to witnesses.</b></li> </ul>	<p>Establishment of collaboration through memoranda of understanding with other government departments to ensure efficacy in service delivery.</p>	<p>The head of OWP and the provincial managers should forge collaborations towards a coordinated service delivery approach:</p> <p>Collaboration with the Department of Health to ensure that witnesses access medical care without waiting in long hospital lines where they can easily be recognised, including dispensing of medication and secluded waiting rooms.</p> <p>Collaboration with the Department of Basic Education to ensure that children of school-going age are accommodated in schools soon after admission to the programme.</p> <p>When children are placed in schools, schools with a similar curriculum to the previous school where the child was admitted (such as</p>	<p>White Paper on Transforming Public Service Delivery 1997; Generic Norms and Standards for Social Welfare Services in South Africa 2011; The Witness Protection Act 112 of 1998: section 4; Integrated Service Delivery Model for Developmental Social Services 2005.</p>

		<p>subjects and language) should be considered.</p> <p>Collaboration with the Department of Public Works and Infrastructure should be established for witnesses to access skills training and job placements through the expanded public works programme.</p> <p>Collaboration with the Department of Employment and Labour should be established to assist with job placements.</p> <p>Collaboration with the Department of Human Settlements should be established for provision of housing for witnesses who are unable to return home after they are discharged from the programme because of the continuous threat to their lives.</p>	
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		<p>The standard of housing allocated to witnesses when they exit the programme should be equivalent to their home prior to entering the programme.</p> <p>Collaboration with the Department of Social Development should be established to disseminate information on the OWP through the departmental district offices and NGOs and reintegration and aftercare services should be provided.</p> <p>Social workers from the Department of Social Development can play a role in referring potential witnesses to the OWP as well as providing aftercare, family reunification and reintegration services to witnesses after termination of the protection programme.</p>	
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<ul style="list-style-type: none"> <li>• <b>Fragmentation/ lack of co-ordination of services.</b></li> </ul>	<p>Adoption of a holistic and integrated approach as part of the witness management strategy.</p>	<p>Proper orientation of witnesses about OWP services should be provided during the first 14-day period of temporary accommodation/protection to enable the witnesses to decide if they want to proceed to permanent accommodation or opt out of the programme by a multidisciplinary team consisting of a protector, social worker, psychologist and a medical doctor.</p> <p>The first 14 days of admission should be used as a trial period to conduct a thorough psycho-social and medical assessment of the witness.</p> <p>The purpose of the assessment should be to identify the needs of the witness, to identify risk behaviour and to ascertain if the witness will be able to fit in, adjust to and cope in the programme.</p>	<p>The Witness Protection Act 112 of 1998: section 8; UNODC 2008; White Paper on Families 2013; White Paper on Transforming Public Service Delivery 1997; Service Charter for Victims of Crime 2004.</p>
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		<p>The assessment team should ideally consist of a multidisciplinary team of experts to ensure an integrated approach in the protection of the witnesses namely, a protector, social worker, psychologist and a medical doctor.</p> <p>The outcome of the assessment should be used to develop an integrated protection plan that includes physical safety and psycho-social well-being.</p> <p>After the 14 day period, the witness should proceed to a permanent safe house. The OWP's norms and standards for procurement of a safe house should be complied with to ensure consistency in the procurement and the standard of the safe houses.</p> <p>Standardisation of service delivery protocols should be enforced by the National Office to</p>	
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		<p>ensure consistency and uniformity in service delivery across all nine provinces.</p> <p>Monitoring and evaluation should be undertaken by the National Office to ensure compliance with policies and protocols by the provincial offices.</p>	
<ul style="list-style-type: none"> <li>• <b>Lack of rehabilitation and skills training to capacitate witnesses and prepare them to be self-reliant when they exit the programme.</b></li> </ul>	<p>Development and implementation of a rehabilitation programme for witnesses who are admitted in terms of section 204 of the Criminal Procedure Act and those</p>	<p>Development and implementation of rehabilitation programmes for witnesses who were part of committing crime should be developed and implemented to reduce the level of recidivism by OWP social workers and psychologists. To achieve this goal, identification of the reasons for committing crime may be identified such as signs of anti-social behaviour, criminal thinking, family</p>	<p>The Criminal Procedure Act 51 of 77 : section 204); The Witness Protection Act 112 of 1998: section 10; National Policy Guidelines for Victims of Crime 2007; Generic Norms and Standards for</p>

	dependant on substances	functioning, substance abuse as well as education and employment status. The benefits of a successful rehabilitation programme will include a reduction of incarceration and protection costs to the state. Such programmes may include crime prevention, anger management, conflict and problem solving, motivational programmes, psychological treatment, life skills, sex offender's programme, etc. Medical and psychiatric doctors should facilitate substance abuse rehabilitation programmes.	Social Welfare services in South Africa 2011; White Paper on Families 2013.
<ul style="list-style-type: none"> <li>• <b>Difficulties of witnesses to secure jobs while in the programme.</b></li> </ul>	Development of job placement programmes.	Skills development programmes for unskilled witnesses should be developed and implemented to increase their chances of securing employment and to empower them to be self-reliant when they leave the programme by OWP social workers. Skills development programmes will contribute towards the rehabilitation, social reintegration and the likelihood of securing productive	Systems theory; Ecosystems approach, Structural theory, UNODC 2008; National Policy Guidelines for Victim Empowerment 2009:9; Witness Protection Act 112 of 1998: section 7.

		employment. Being employed is vital for the self-worth and well-being of individuals. Such programmes may include vocational and skills training, entrepreneurial, project management, cooking and catering, art, etc.	
<ul style="list-style-type: none"> <li>• <b>Lack of contact with family.</b></li> </ul>	Establishment of a consistent family reunion programme.	A system should be put in place to ensure regular contact between witnesses and their families to avert the negative impact of social uprooting, isolation and to promote family preservation by protectors, OWP social workers and provincial managers.	Generic Norms and Standards for Social Welfare Services in South Africa 2011; The Integrated Service Delivery Model for Developmental Social Services 2005; Systems theory.
<ul style="list-style-type: none"> <li>• <b>Insufficient financial support.</b></li> </ul>	Provision of improved financial support of witnesses.	Witnesses should be afforded adequate financial allowances in line with the cost of living/ inflation. This can be implemented by the head of OWP in consultation with the Minister of Justice and Constitutional	National Policy Guidelines for Victim Empowerment 2009:9; UNODC 2008.

		<p>Development and the Minister of Finance and Treasury.</p> <p>Financial support of witnesses should be reviewed annually.</p>	
<ul style="list-style-type: none"> <li>• <b>Difficulties of witnesses in accessing psycho-social services.</b></li> </ul>	<p>Provision of consistent and integrated psycho-social support by a multidisciplinary team.</p>	<p>Psycho-social services should be rendered to witnesses throughout their stay in the programme, depending on their needs aimed at reducing psychological trauma as a result of witnessing crime and the effects of intimidation. Such services may include trauma debriefing, counselling and therapy for victims of crime by social workers, psychologists and medical doctors within OWP.</p> <p>Court readiness programmes should be developed and implemented by OWP social workers.</p> <p>Additional social workers and internal psychologists and medical doctors should be</p>	<p>Generic Norms and Standards for Social Welfare Services in South Africa 2011; The Integrated Service Delivery Model for Developmental Social Services 2005; The UNODC 2008.</p>

		recruited to ensure a holistic service delivery approach and ease of access to psychosocial services by witnesses by the head of OWP and senior managers. Each province should ideally have its own multidisciplinary team to render psychosocial services.	
<ul style="list-style-type: none"> <li>• <b>Difficulty of witnesses to access medical care</b></li> </ul>	Improved access to medical care by witnesses.	<p>The collaboration with the Department of Health as discussed under the second guideline above would ensure that witnesses are able to access specialised medical care with ease as and when required. This can be implemented by the provincial managers.</p> <p>Internal medical doctors should be appointed to ensure ease of access for day-to-day management of medical care of witnesses by the head of OWP and senior managers. Only witnesses who require specialised medical care should be referred to external medical facilities.</p>	The Constitution Act 108/96; The Integrated Service Delivery Model for Developmental Social Services 2005; UNODC 2008.

<ul style="list-style-type: none"> <li>• <b>Lack of support for witnesses to ensure successful reintegration back into society, family reunification and lack of provision of aftercare services.</b></li> </ul>	<p>Provision for efficient discharge, family reunification and reintegration as well as aftercare services for witnesses.</p>	<p>The head of OWP in conjunction with provincial managers should ensure that discharge of witnesses from the programme only take place when the threat level is minimal or non-existent to ensure safety. Aftercare programme to ensure a successful reintegration and reunification process should be developed and implemented by OWP social workers. Such services may include linking witnesses with resources outside the programme such as the Department of Social Development social workers to ensure continuity of services, where required, and provision of aftercare services. Provision of an emergency contact number/toll free number to contact the OWP in instances where the threat has resurfaced.</p> <p>Interval threat assessments and visits by protectors should take place to mitigate future potential threats.</p>	<p>The Constitution Act 108/96: chapter 2; Eco system and Structural theories; The Integrated Service Delivery Model for Developmental Social Services 2005; UNODC 2008.</p>
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<ul style="list-style-type: none"> <li>• <b>The Witness Protection Act 112 of 1998 needs to be amended</b></li> </ul>	<p>Amendment of the Act to make changes to section 6, and make amendmnets to the provision for identity change and aftercare services.</p>	<p>The Act should be amended to ensure that there are clear guidelines on the provision of aftercare services to enable witnesses to reintegrate successfully into communities by the head of OWP, senior managers and provincial managers.</p> <p>All witnesses should be provided with a new identity as a rule after entering the programme to enable them to transit into a new life easily during and after the programme as part of their identity change.</p> <p>Section 6 of the Act should be corrected to reflect the current staff establishment of the OWP.</p>	<p>Witness Protection Act 112 of 1998; UNODC 2008.</p>
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It is proposed that the guidelines be disseminated to the provincial offices of the OWP by the National Director and further be deliberated upon by staff members during a workshop in all provincial offices for the purpose of operationalising them.

## 5.8 SUMMARY OF THE CHAPTER

In this chapter, the guidelines for service delivery improvement for witnesses in OWP were presented. The guidelines are informed by the findings of this study based on the views and suggestions of witnesses, protectors, social workers and senior managers in the OWP as well as the reviewed literature in the field of witness protection. The findings of this study were presented in Chapter Four. The participants of the study were interviewed on the experiences and challenges of witnesses in OWP.

The discussion of the guidelines started with a brief introduction and identification of the gaps in service delivery in the OWP that necessitated the development of these guidelines. The significance and anticipated output of the guidelines were also discussed. The next part focused on the legislative framework underpinning the guidelines such as the Constitution of South Africa, the White Paper on Families, the Criminal Procedure Act, the Witness Protection Act and the Children's Act and etc.

The presentation also touched on the principles for consideration in the implementation of the guidelines, namely a non-judgemental approach, respect and dignity for witnesses, uniqueness of the services provided, integrated approach, self-reliance and family preservation.

The last part of the chapter focused on a tabular presentation of the guidelines linked to the findings and suggestions of participants, the relevant legislative framework, as well as the process of implementing the guidelines. The purpose of the guidelines is to ensure improved and co-ordinated service delivery to witnesses by all role players in the OWP.

## CHAPTER SIX: SUMMARIES, CONCLUSIONS, LIMITATIONS AND RECOMMENDATIONS

### 6.1 INTRODUCTION

Chapter One introduced the aim of this study, which was to develop an in-depth understanding of the experiences and challenges of witnesses in the witness protection programme in South Africa as well as to proffer guidelines for co-ordinated service delivery by the OWP from a social work perspective, informed by the suggestions of participants. The researcher's interest in this field of study emanated from practising social work in the OWP where it was observed that a high number of witnesses resign from the programme prematurely and there is a need for a co-ordinated approach to service delivery. Resigning from the programme means witnesses go back to the same danger area from where they were removed and run the risk of being killed by the perpetrators of crime. Upon conducting a literature review, the researcher came to the realisation that there is a dearth of literature on witness protection programmes, especially within the South African context (Eikel 2012:119; Fyfe & Sheptycki 2006:320; Mahony 2010:7). To achieve the aim of this study, the researcher conducted individual face-to face-interviews with witnesses, protectors, social workers and senior managers aided by an interview guide. The findings of the study emanating from the interviews supported by literature control and the story lines from the participants' interviews were presented in Chapter Four. The researcher developed guidelines by taking into consideration the suggestions of participants on a co-ordinated service delivery towards service delivery improvement in the OWP and literature on best practice in the field of witness protection. The proposed guidelines were presented in Chapter Five.

Chapter Six is the final chapter of this research report and it focuses on the presentation of summaries, conclusions, limitations and recommendations of this study. In summarising this research report, the researcher will present a summary of each chapter followed by the conclusions arrived at. The focus of the presentation will then shift towards the limitations inherent in this study as well as the

recommendations and suggestions for further research. A summary of the proposed guidelines for co-ordinated service delivery improvement by the OWP will be presented under the recommendations.

## 6.2 SUMMARY AND CONCLUSIONS

Summaries and conclusions will be presented in the following sequence:

- Summary and conclusions based on the general introduction and orientation to the study
- Summary and conclusions based on the literature review and the theoretical framework from which this study draws
- Summary and conclusions based on the applied description of the qualitative research process
- Summary and conclusions based on the findings of the study
- Summary and conclusions based on the proposed guidelines.

### 6.2.1 Summary and conclusions based on the general introduction and orientation to the study

Chapter One provided an introduction and general orientation to this study. The researcher outlined an overview of the nature of witness protection programmes and the impact of intimidation on witnesses by the perpetrators of crime. Witness protection programmes are generally considered to be a strategy of government in fighting organised crime (Todorovska 2015:203; Vincent 2016:26). In the absence of protection, witnesses are afraid to come forward with information that could contribute towards the conviction of those who are responsible for breaking the laws of the country (Fery 2012:5).

The background and history of witness protection programmes were highlighted with the focus on the global view. The first witness protection programme was established in the USA during the 1960s (Bakowski 2013:3; Demir 2018:65; Fyfe & Mack 2014:197; Mahony 2010; McKay 2000:280). Since then, many countries across the world have resolved to adopt the same strategy in the reduction of crime. Africa appears to be struggling to develop and sustain witness protection programmes, with only three countries that have established formal witness

protection programmes to date (Dulume 2016:130; Mahony 2010:11). South Africa remains the pioneer in Africa in terms of having established a national witness protection programme first and often provides mentorship to fellow African countries that are embarking on witness protection initiatives (Kariri & Salifu 2016:5). This background resulted in the identification of the research problem being the lack of research in South Africa focusing on the experiences and challenges of witnesses in the witness protection programme as well as the lack of documented guidelines for co-ordinated service delivery developed from a social work perspective.

In order to investigate the identified research problem, the research questions, goals and objectives were formulated. The research questions and goals helped to shape the study by giving it direction in terms of what the researcher aimed to achieve (Agee 2009:433; Hennink et al 2011: 33). The following section will focus on the summary of how the research questions were answered and the research goals and objectives achieved based on the accounts of the participants' interviews.

The **research questions** were:

- **What are the experiences and challenges of witnesses in witness protection programme in South Africa?**

This research question was answered in Chapter Four and will be elaborated on further under conclusions based on the findings of the study. The responses of both witnesses and staff members gave an indication that the witnesses experience admission to OWP negatively because of the many challenges that they come across in the programme (Beune & Giebels 2013:66; Kaur 2011:366), such as isolation and social uprooting. Most of the challenges raised by participants seem to stem from the lack of sufficient resources to carry out the mandate of OWP. These challenges lead to the inability of witnesses to adjust to and cope in the programme, resulting in witnesses abandoning the programme prematurely (Dandurand & Farr 2010:46; Irish et al 2000:35). Participants also expressed concerns about the lack of awareness about the OWP services in communities. As a result, some witnesses signed up for admission to the programme without fully understanding how the programme functions and its possible impact on their lives. Lack of information in

this regard contributed to expectations of witnesses not being fulfilled by the OWP (Appleyard 2011:70; Beune & Giebels 2013:90; Bendo 2015:3; Council of Europe 1999:24; Dandurand & Farr 2010:42; Khan 2013:29).

- **What guidelines for co-ordinated service delivery to witnesses in OWP should be developed from a social work perspective?**

The idea of developing guidelines emanated from the gaps that were identified in service delivery by the OWP. The gaps identified by both witnesses and staff members were lack of awareness of the existence of the OWP in communities; inability of witnesses to cope and adjust in the programme; insufficient provision of and difficulties for witnesses to access psycho-social services; lack of support for witnesses; the need for an integrated approach to the protection of witnesses; premature resignation of witnesses from the programme; lack of provision of aftercare services; and lack of rehabilitation for witnesses in preparation for self-dependency after they are discharged from the programme

The purpose of the proposed guidelines is to provide a step-by-step process to follow in rendering services to a specific clientele (Cohen et al 2010:434). In this instance, the guidelines provide a process to be followed by social workers and other staff members in the OWP as well as external stakeholders who are responsible for rendering services to witnesses. The reason for this is that service delivery in the OWP requires an integrated approach by a multidisciplinary team, and not only by social workers. The guidelines were developed from a social work perspective, informed by the views of witnesses, protectors, social workers and senior managers in the OWP. The focus of the guidelines is on the principles that must be observed in rendering services to witnesses in OWP; the legislative framework underpinning the guidelines; the theoretical approaches upon which the guidelines are based as well as the entire process to be followed from the initial stage of admitting a witness into the programme to discharge and aftercare. The emphasis of the guidelines is on an integrated approach in terms of physical safety and psycho-social well-being of witnesses (Bhushan & Pranati 2007:19; Dulume 2016:143; Mujkanovic 2014:58; 2009:771; Nowroz 2015:320).

The following table provides conclusive confirmation that the **goals of the study** were achieved.

**Table 6.1: Confirmation that the goals were achieved**

<b>The goal of the study</b>	<b>Conformation of the achievement of the goals of the study</b>
To develop an in-depth understanding of experiences and challenges of witnesses in the witness protection programme in South Africa.	This goal was achieved in Chapter Four by obtaining an in-depth understanding of the experiences, challenges and coping strategies of witnesses in OWP through conducting face-to-face interviews, analysis of participants' interviews and literature control on the subject of witness protection programmes.
To develop guidelines for co-ordinated service delivery to witnesses in OWP from a social work perspective	Based on the findings of the study and the suggestions of participants, the researcher was able to develop the guidelines for rendering co-ordinated services to witnesses. The proposed guidelines were presented in Chapter Five.

The objectives of this study were initially classified into three categories in line with the population groups, namely witnesses, protectors and social workers. During the data collection process the researcher decided to include the senior managers to the population groups in order to obtain a better perspective of the topic under study and also because of the limited number of social workers in the OWP.

Table 6.2 provides conclusive confirmation that the objectives of the study were achieved by referring to the step-by step-activities undertaken through the entire process of the study, in relation to the four population groups of the study.

**Table 6.2: Confirmation that objectives were achieved**

<b>Witnesses</b>	<b>Protectors</b>	<b>Social workers</b>	<b>Senior managers</b>
<ul style="list-style-type: none"> <li>The researcher obtained a sample of witnesses in OWP.</li> </ul>	<ul style="list-style-type: none"> <li>The researcher obtained a sample of protectors in OWP.</li> </ul>	<ul style="list-style-type: none"> <li>The researcher included all social workers in the sample for participation in the study because of the small size of the population.</li> </ul>	<ul style="list-style-type: none"> <li>The researcher included all senior managers in the sample for participation in the study because of the small size of the population.</li> </ul>
<ul style="list-style-type: none"> <li>The researcher conducted semi-structured interviews aided by open-ended questions contained in an interview guide with witnesses.</li> </ul>	<ul style="list-style-type: none"> <li>The researcher conducted semi-structured interviews aided by open-ended questions contained in an interview guide with protectors.</li> </ul>	<ul style="list-style-type: none"> <li>The researcher conducted semi-structured interviews aided by open-ended questions contained in an interview guide with social workers.</li> </ul>	<ul style="list-style-type: none"> <li>The researcher conducted semi-structured interviews aided by open-ended questions contained in an interview guide with senior managers.</li> </ul>
<ul style="list-style-type: none"> <li>The researcher explored the experiences and challenges of witnesses in OWP in order to gain</li> </ul>	<ul style="list-style-type: none"> <li>The researcher explored experiences and challenges of witnesses from the perspective of protectors in the OWP in order to gain an</li> </ul>	<ul style="list-style-type: none"> <li>The researcher explored the experiences and challenges of witnesses in OWP from the perspective of social workers in order</li> </ul>	<ul style="list-style-type: none"> <li>The researcher explored the experiences and challenges of witnesses in OWP from the perspective of senior managers in order to gain an</li> </ul>

<p>an in-depth understanding thereof.</p>	<p>in-depth understanding thereof.</p>	<p>to gain an in-depth understanding thereof.</p>	<p>in-depth understanding thereof.</p>
<ul style="list-style-type: none"> <li>The researcher transcribed, sifted, sorted and analysed data obtained according to the eight steps of qualitative data analysis as constructed by Tesch (in Creswell 2009:186).</li> </ul>	<ul style="list-style-type: none"> <li>The researcher transcribed, sifted, sorted and analysed data obtained according to the eight steps of qualitative data analysis as constructed by Tesch (in Creswell 2009:186).</li> </ul>	<ul style="list-style-type: none"> <li>The researcher transcribed, sifted, sorted and analysed data obtained according to the eight steps of qualitative data analysis as constructed by Tesch (in Creswell 2009:186).</li> </ul>	<ul style="list-style-type: none"> <li>The researcher transcribed, sifted, sorted and analysed data obtained according to the eight steps of qualitative data analysis as constructed by Tesch (in Creswell 2009:186).</li> </ul>
<ul style="list-style-type: none"> <li>The researcher described the findings regarding the challenges and experiences of witnesses in OWP.</li> </ul>	<ul style="list-style-type: none"> <li>The researcher described the experiences and challenges of witnesses in OWP from the perspective of protectors.</li> </ul>	<ul style="list-style-type: none"> <li>The researcher described the experiences and challenges of witnesses in OWP from the perspectives of social workers.</li> </ul>	<ul style="list-style-type: none"> <li>The researcher described the experiences and challenges of witnesses in OWP from the perspectives of senior managers.</li> </ul>
<ul style="list-style-type: none"> <li>The researcher interpreted the data and conducted a literature</li> </ul>	<ul style="list-style-type: none"> <li>The researcher interpreted the data and conducted a literature control in order to</li> </ul>	<ul style="list-style-type: none"> <li>The researcher interpreted the data and conducted a literature control in order to</li> </ul>	<ul style="list-style-type: none"> <li>The researcher interpreted the data and conducted a literature control in order to verify and dispel the findings.</li> </ul>

control in order to verify and dispel the findings.	verify and dispel the findings.	verify and dispel the findings.	
<ul style="list-style-type: none"> <li>The researcher drew conclusions, made recommendations and developed guidelines for co-ordinated service delivery from a social work perspective based on the suggestions of witnesses .</li> </ul>	<ul style="list-style-type: none"> <li>The researcher drew conclusions, made recommendations and developed guidelines for co-ordinated service delivery from a social work perspective based on the suggestions of protectors.</li> </ul>	<ul style="list-style-type: none"> <li>The researcher drew conclusions, made recommendations and developed guidelines for co-ordinated service delivery from a social work perspective based on the suggestions of social workers.</li> </ul>	<ul style="list-style-type: none"> <li>The researcher drew conclusions, made recommendations and developed guidelines for co-ordinated service delivery from a social work perspective based on the suggestions of senior managers.</li> </ul>

The rationale for this study and its anticipated contribution were discussed in Chapter One. Through conducting this study, the researcher was able to contribute to the body of knowledge in the field of witness protection and social work practice by providing scientifically verified information on the experiences, challenges, coping strategies of witnesses and the role of social workers in witness protection programme in South Africa. The researcher further developed guidelines for rendering services to witnesses by employing an integrated, multidisciplinary and holistic approach.

Chapter One also provided a brief outline of the theoretical framework from which this study draws. The purpose of the theoretical framework was to assist the researcher to understand, contextualise and describe the experiences and challenges of witnesses by analysing the meaning they give to their day-to-day lives whilst in the programme (Creswell 2009:51; Neuman 2012:26; Tracy 2013:49). A detailed discussion of the theoretical framework was presented in Chapter Two of this study, which is the literature review. The researcher, after consulting literature and analysing the application of various social work theories, came to the conclusion that the crisis theory and the coping theory were the most suitable to provide a framework and understanding in terms of the experiences and challenges of witnesses in OWP.

After consulting literature to set a foundation for the study, the researcher arrived at the conclusion that there is a lack of awareness on the existence of the witness protection programme in South Africa because of the covertness of the programme. This lack of awareness contributes to the scarcity of research in the field of witness protection (Beune & Giebels 2013:16; Eikel 2012:119; Fyfe & Sheptycki 2006:320; Fyfe & MacKay 2000:676; Mahony 2010:7).

### 6.2.2 Summary and conclusions based on the literature review

In reviewing the literature on the subject of witness protection programmes, the researcher made use of books and journal articles, most of which were obtained from the UNISA library with the help of the subject librarian. The process of reviewing literature focused on older and new sources. The reason was that older resources provided a historical background that could not be found in recent

material such as the background and origins of witness protection programmes while new sources assisted the researcher to understand the trends and the current state of the field of witness protection.

In terms of the theoretical framework, the crisis theory (Caplan 1964) assisted the researcher to understand and analyse the nature of a crisis that witnesses find themselves in as a result of having witnessed crime, the experiences of intimidation and how witnesses deal with the crisis situation. The coping theory of Lazarus (1993) on the other hand, provided understanding into the nature and extent of crime and how it affects witnesses' well-being. It further provided understanding and assisted the researcher to interpret the findings of the study in terms of how witnesses and their families cope with the trauma of crime and admission to witness protection that often keeps a witness away from family for a number of years. Without adjusting and coping in the programme, witnesses resort to abandoning the programme and by so doing put their lives in danger.

The review of literature focused on the following aspects:

- Introduction and an overview of witness protection programmes
- The importance of protecting witnesses
- The global historic and current state of witness protection programmes
- International collaboration
- General principles of witness protection programmes
- Witness protection in Africa
- Witness protection in South Africa and statistics
- Recruitment and admission into the programme
- The impact of witness protection on witnesses
- Psycho-social services in witness protection
- Identity change and the safety of the community
- Termination of the programme
- The effectiveness of the programme and
- The theoretical framework for the study.

The process of reviewing literature assisted the researcher to identify gaps and to set a foundation for this study. Based on the outcomes of the process, the researcher was able to select the most appropriate research process to follow, i.e. the qualitative research process.

The following conclusions are based on the literature review:

- Witness protection and the testimony of a witness are important aspects of the criminal justice system without which the courts are unable to achieve successful prosecutions (Beqiri 2018:28; Dulume 2016:125; Kariri & Salifu 2016:2; Mahony 2010:1).
- Admission to witness protection results in social uprooting and isolation of witnesses from their social networks (Bakowski 2013:3; Demir 2008:67; Fyfe & McKay 2000:687; Koedam 1993:365; Mahony 2010:55; Montanino 1984:503).
- It is important to adopt a co-ordinated and integrated approach by a multidisciplinary team that responds to both the physical safety and psycho-social well-being of witnesses in terms of service delivery in witness protection programmes to ensure efficacy (Council of Europe 2005:6; UNODC 2008:27). Psycho-social services in the OWP are rendered by a team of social workers.

### 6.2.3 Summary and conclusions based on the applied description of qualitative research process

A detailed account of the qualitative research process as applied in this study was presented in Chapter Three. The reason for dedicating a chapter to the applied research process was to provide a justification for choosing the qualitative approach; to provide an audit trail; and to give a description of how the research plan presented in Chapter One was operationalised during the process of data collection and analysis. An audit trail in research serves to enhance trustworthiness and quality of the research process as well as confirmation that there is no bias in the research findings (Carcary 2009:11; Lietz & Zayas 2010:196).

A qualitative approach favours studies that take place in a naturalistic setting; meaning the social behaviour of participants is studied in its own natural environment (Hennink et al 2011:98; Merriam & Tisdell 2016:15). The second

motivation for adopting a qualitative approach was based on the fact that qualitative research is used in topics that are sensitive, not well defined and where not much is known about the topic because of lack of research (Ritchie & Lewis 2005:32). Based on the review of literature on the topic of this study, the researcher arrived at the conclusion that the field of witness protection is sensitive in that the identity and location of witnesses cannot be revealed and it is not well known because of a lack of research, resulting in unavailability of literature. Some of the characteristics of qualitative research that rendered it relevant were that it is emergent, inductive, interpretive and naturalistic in nature (Silverman 2013:326). These characteristics of the qualitative research enabled the researcher to conduct interviews in the natural setting of the participants: witnesses were interviewed at their safe houses while staff members were interviewed at their offices. The researcher was thus able to investigate and gain an in-depth understanding of the experiences, challenges and coping strategies of witnesses in OWP.

The research design employed in this study was the instrumental collective case study with exploratory, descriptive and contextual research designs. The researcher, by applying the instrumental collective case study design, was able to ensure a rich description (Silverman 2013:326) by exploring the breadth and the depth of the experiences and challenges of witnesses in OWP. The aim of using a multiple case study design was to enhance the trustworthiness of the findings of this study. Data was collected from the primary and secondary sources (De Vos et al 2011:359), that is interviews with participants and analysis of literature on the topic under investigation. The same method of data collection was employed for four population groups, namely individual semi-structured face-to-face interviews aided by an interview guide. The Interviews assisted the researcher to stimulate discussion and encourage the participants to share their life stories and experiences (Shaw & Holland 2014:122; Tracy 2013:139).

The researcher concludes that by personally conducting interviews as the key instrument in data collection provided the opportunity to obtain first-hand information by means of observing how participants interacted with their environment, reacted to research questions and how the environment affected the responses of participants (Shaw & Holland 2014:6; Tracy 2013:11). The researcher further arrived

at the conclusion that the research design chosen for this study was appropriate in that it enabled the attainment of the research goals being to gain an in-depth understanding of the experiences and challenges of witnesses in the OWP as well as to develop guidelines for co-ordinated service delivery approach from a social work perspective.

In terms of the research methods of this study, in particular the population and sampling, the researcher identified four population groups, namely witnesses, protectors, social workers and senior managers in the OWP. As mentioned in Chapter Three, the fourth population group of senior managers was added during the research process to obtain a clearer picture of experiences and challenges of witnesses in protection. The sample was drawn from six provinces: Gauteng, Limpopo, Mpumalanga, KZN, Eastern Cape and Northern Cape. The reason for selecting only six provinces was to facilitate access considering the cost implication of travelling and accommodation (Creswell 2007:247; Kroeber & McMichael 2008:468; Neuman 2012:149; Padgett 2008:53; Shaw & Holland 2014:87; Wahyuni 2012:73; Wu et al 2016:498 ). By way of the criteria for inclusion developed for this study, the researcher was able to recruit a total of 30 participants: 12 witnesses; 12 protectors; three social workers; and three senior managers. The reason for the three social workers and three senior managers was that the entire population consists of three persons in each category. This excludes the researcher who is the fourth social worker in the OWP. The researcher arrived at the conclusion that a decision to demarcate the geographical boundaries of the study to six provinces was a good one as it enabled easy access to these provinces within the available resources.

In recruiting participants for the study, the researcher first approached the provincial heads of the OWP and requested them to serve as gatekeepers. This was after obtaining permission from the National Director of the OWP to conduct the study in the South African Witness Protection Programme. The gatekeepers (Marshall & Rossman 2016:120) also assisted the researcher to identify participants for the study who were knowledgeable about the topic of study, i.e. the protectors and witnesses. This was done through using the inclusion criteria for the study (Marshall & Rossman 2016:113; Silverman 2013:146; Tracy 2013:138; Wahyuni 2012:73).

The researcher can conclusively state that this method of recruiting participants was appropriate as it assisted to handpick individual who held rich data useful for the investigation.

As a matter of principle, the researcher embarked on the process of conducting a pilot test. This was done prior to starting with the implementation of the main study, using the same methods of data collection and analysis proposed for the main study. The researcher identified one staff member and one witness to take part in the pilot test. These two participants did not take part in the main study and the outcomes of the pilot test were not included in the findings of the main study either. The purpose of the pilot test was to test the interview questions and to ascertain if they yield useful information (Hennink et al 2011:120; Magnusson & Marecek 2015:70; Marshall and Rossman 2016:105; Wahyuni 2012:74). The outcome of the pilot test suggested that the researcher did not apply sufficient probing during the interviews and that there was a need to adjust some of the questions in order to avoid repetition and ensure that the questions were well understood by the participants. The researcher concluded that the pilot test was useful in that it highlighted the need to restructure the questions and sharpen the researcher's probing skills. The questions that were adjusted were: What challenges do witnesses experience in relation to adjusting to the OWP? What other challenges do witnesses experience being part of OWP? How do witnesses who are admitted alone to the programme manage in terms of family relationships? and How well do witnesses cope with these challenges? These four questions were adjusted to the following two questions, What challenges do witnesses experience in OWP? and How do they cope with such challenges?

The researcher personally analysed the data using the eight steps of data analysis constructed by Tesch (in Creswell 2014:198). Tesch's strategy of analysis assisted the researcher to manage and make sense of the vast amount of data collected from 30 participants. The researcher can conclude that this strategy was suitable because it enabled analysis of data to take place in a systematic and logical manner. The researcher further enlisted the services of an independent coder who analysed the data independently. The aim of this exercise was to enhance the trustworthiness of the study. The research credentials of the independent coder are described in Chapter Three.

A study is scientific if it complies with scientific standards of research. In order to satisfy this aspect of research, Lincoln and Guba (1985) suggest that qualitative researchers must ensure rigour by applying the principles of credibility, transferability, dependability and confirmability to their studies. A detailed account of how these principles were applied in this study to ensure trustworthiness and creativity are presented in Chapter Three. The researcher concludes that applying Lincoln and Guba's strategy of trustworthiness was appropriate as it assisted in ensuring compliance with scientific standards necessary in qualitative research projects.

Ethics is an important aspect in research. Researchers are required to treat participants in the study with respect for their dignity and ensure that they do not suffer any harm as a result of their participation in the study (Creswell 2009:88; Neuman 2011: 43; Rubin & Babbie 2013:88; Shaw & Holland 2014:102; Tracy 2013:242).

The researcher observed the following ethical considerations in order to ensure that the study was conducted in a responsible and honest manner:

- Obtaining informed consent
- Ensuring confidentiality
- Ensuring anonymity
- Ensuring participants do not suffer any harm
- Ensuring debriefing of participants who are traumatised by their participation in the study
- Ensuring data is managed in a sensitive and confidential manner.

Prior to starting each interview, the researcher informed the participants that their participation in the study was voluntary, that they had the right to withdraw from the study at any time, that the information collected would be treated with confidentiality and their identity would not be compromised. This was done by issuing a signed statement and declaration by the researcher (see Addendum C). To this effect, the researcher made use of pseudonyms in the description of the biographical details

of participants (Kalof et al 2008:193; Shaw & Holland 2014:116; Wahyuni 2012:75). This exercise was followed by signing of the consent form as an indication that the participants understood the purpose and nature of the study and that their participation in the study was not as a result of coercion (Creswell 2009: 89; Hennink et al 2011:63; Marshall & Rossman 2016:53; Silverman 2013:162; Whittaker 2012:20).

After following the above guidelines, the researcher can conclusively state that this study was conducted with integrity, openness and honesty without compromising the safety, dignity and identity of participants.

#### 6.2.4 Summary and conclusions based on the research findings

Chapter Four commenced with a description of the biographical details of participants. The analysis of the biographical data indicated that a total number of 30 participants took part in the study. This consisted of 12 witnesses, 12 protectors, three social workers and three senior managers. These participants were recruited from six provinces. Analysis of the biographical details of the witnesses focused on age, gender, race, employment status prior to joining the programme, length of stay in OWP and whether the witness was admitted alone or with family. In terms of the staff members, the researcher analysed the gender, race and length of employment in the OWP.

In reflecting on the biographic particulars of the participants, the researcher arrived at the following conclusions:

- More males were admitted to OWP as witnesses compared to females.
- Most of the witnesses spent between three to five years in OWP while waiting for the court cases to be completed.
- Most of the witnesses were between the ages of 25 and 49 years.
- The majority of witnesses were unemployed at the time of entering the programme.
- More witnesses were admitted to the programme with their family compared to those admitted alone.
- In terms of staff members, 14 out of 18 were male and only four were females.

- In terms of the racial classification of staff members, the majority were black, followed by white, Indian and coloured.
- Staff members were mostly in the employ of the OWP between seven and 15 years.

The researcher will now present a summary and conclusions based on the five themes that were deduced from the process of data analysis. The findings of the study are based on the experiences and challenges of witnesses in OWP, informed by the views and suggestions of witnesses, protectors, social workers and senior managers.

#### 6.2.4.1 Theme One: Awareness and knowledge of the OWP according to witnesses and staff members (protectors, social workers and senior managers) prior to joining the programme

In analysing the accounts of both witnesses and staff members on their knowledge and awareness of the existence of the OWP prior to joining the programme, the researcher arrived at the following conclusions:

- There is a general lack of awareness of the existence of the OWP in communities.
- It seems that stakeholders such as police officers and prosecutors lack knowledge of how the OWP operates.
- Witnesses had no knowledge of the OWP prior to joining the programme.
- A few staff members had limited knowledge of the OWP prior to joining the programme.

The reported lack of knowledge and awareness of the OWP is attributed to the covert nature of the programme (Beune & Giebels 2013:16; Eikel 2012:119; Fyfe & MacKay 2000:676; Fyfe & Sheptycki 2006:320; Mahony 2010:7). While it is important to keep the location and identity of witnesses a secret in order to ensure their safety, lack of awareness regarding generic information of the programme appears to create challenges for the witnesses and staff members such as police officers and prosecutors who are responsible for recruiting witnesses to join the programme. Most of the witnesses mentioned that they did not know that there is a witness protection programme in South Africa. They were informed either by the

investigating officer or the prosecutor that they could apply for protection. The witnesses also reported that some police officers gave them insufficient information about the programme, such as how long they would be in the programme and what type of services were available in the OWP. One witness revealed that he thought the OWP was a diversion programme where he would be required to attend a few sessions before he could be released to go back home. Another witness mentioned that he was not informed that he had an option to go into the programme together with his family and as a result he left his wife and children at home and was struggling to cope by himself. The staff members' experience was that the lack of knowledge of the police officers and prosecutors resulted in them recruiting witnesses who did not meet the requirements for admission and often made promises and created expectations in witnesses that could not be fulfilled by the OWP (Dandurand & Farr 2010:36; Fery 2012: 22).

The general lack of knowledge about the programme also means that potential witnesses who hold information of crime do not come forward to report it because of fear of being harmed by the perpetrators.

The next section will focus on the summary and conclusions of the experiences and perceptions of the witnesses with regard to the various role players in the OWP such as the courts, protectors, social workers and the family.

#### 6.2.4.2 Theme Two: Witnesses' perception and experience of the various role players in OWP

The participants' responses in relation to the question on how they experience the role of the various role players in terms of services delivery led to the following conclusions:

- There is a delay in the conclusion of witnesses' court cases, resulting in a lengthy stay of witnesses in the programme.
- Witnesses are not treated appropriately by some of the protectors.
- Protectors do not have sufficient time to spend with witnesses resulting in rushed visitations.
- Shortage of social workers in the OWP affects the accessibility to psycho-social services for witnesses.

- Witnesses prefer internal psycho-social services compared to outsourced external services.
- Admission to witness protection disrupts family functioning and results in loneliness and boredom.

Witnesses are unhappy about the lengthy stay in the programme (Dandurand & Farr 2010:55; Mack 2014: 236). One witness mentioned that he felt that his life was at a standstill; he just wanted to testify and go back home. Another two witnesses indicated they had been in the programme for three years, however they had not started to give testimony because of ongoing investigations, meaning the cases were not yet ready for prosecution. Staff members remarked that the longer witnesses stay in the programme, the more resources are used in protecting them. Lengthy stay in the programme also affects family relationships and family functioning, especially for witnesses who left their family at home and are alone in the programme. It appears that a lengthy stay in some instances lead witnesses to abandon the programme prematurely and go back to their families.

Witnesses expressed their dissatisfaction with the treatment by some protectors. Some of the examples mentioned were poor communication, lack of sympathy and rushed visitations. This concern was supported by some protectors and senior managers who had observed unequal treatment when it comes to witnesses. One protector reported that some witnesses were afraid to express their views because of fear of their protectors. Another witness remarked that he mostly saw his protector on a Friday for a few minutes and as a result he did not have the opportunity to engage in a fruitful discussion with the protector about his concerns and challenges. It appears that a shortage of protectors and the fact that protectors often spend a lot of time away from the office engaged in fieldwork, contribute to the concern of rushed visitations.

The OWP introduced social work services in 2012 by appointing four social workers to manage the psycho-social challenges experienced by witnesses, while medical and psychological services are outsourced as and when required. Witnesses who had been able to access the social work service were happy with the service, however they also expressed challenges in terms of the lengthy period that they had

to wait before they could see a social worker. It was also mentioned that sometimes, because of the shortage of social workers, protectors source external social work services for witnesses. According to the protectors, this is as a result of cumbersome internal processes such as making an application for the witness to see a social worker as well as the challenge of protectors accompanying social workers to see witnesses. One protector remarked that social workers in the OWP are not permitted to go to witnesses by themselves except when they are in the company of a protector. This practice is reported to be burdensome as the same protectors who are expected to accompany social workers to do their work are in short supply. This also means that while protectors are away doing court protections, witnesses cannot access the social work services.

In analysing the protectors' accounts on the issue of difficulties of witnesses to access psycho-social services, the researcher further concluded that provision and easily accessible psycho-social services are required to assist witnesses to integrate into the new and unfamiliar environment of witness protection programme (Beune & Giebels 2013:16; Beqiri 2018:25; Council of Europe 1999:20; Dandurand & Farr 2010:78; Kaur 2011:366; Kayuni & Jamu 2015:429). Protectors also reported that it is a challenge for witnesses to consult external service providers because witnesses have an obligation not to reveal their true identity and discuss their case with anyone outside of the OWP. Witnesses thus find themselves in a compromised position as they do not know how much information to share during therapeutic services. Koedam (1993:361) states that holding back and keeping secrets in therapy work against the witness and the healing process.

Admission of witnesses to witness protection programme means a transition into a new life characterised by secrecy, social uprooting and isolation. Witnesses are expected to terminate contact with their social network and quit jobs in exchange for their safety (Fyfe & McKay 2000:296; Kaur 2011:366; Mahony 2010:86; UNODC 2008:64). Some witnesses were able to cope and move on with their lives while some found it hard. All witnesses who were on the programme with their children mentioned that their children were not coping with isolation (Beune & Giebels 2013:18; Council of Europe 1999:21; Kaur 2011:367; Koedam 1993: 365). Those who are with their parents in the programme missed their grandparents and cousins

while those who were left at home in the custody of relatives or grandparents were also not coping with being separated from parents. This finding is supported by the UNODC (2008:62) that children are the most difficult group to protect as they lack appreciation of the amount of threat that the family faces and thus struggle to assimilate themselves into the new environment. Protectors reported that some witnesses withdrew from the programme and returned back home as they could no longer cope with the effects of isolation. By going back home, witnesses run the risk of being silenced by the perpetrators of crime against whom they are going to testify.

The following section will focus on the experiences, challenges and coping strategies of witnesses in OWP. The views of witnesses were corroborated by those of staff members.

#### 6.2.4.3 Theme Three: Witnesses' experiences, challenges and coping strategies related to being in OWP

The responses of participants to the question on the experiences, challenges and coping strategies of witnesses led the researcher to conclude as follows:

- The rules of the OWP lead to isolation.
- It is difficult for witnesses to find employment.
- The re-use of a safe house may lead to the identity of a witness being exposed.
- Financial support for witnesses is inadequate.
- Witnesses struggle to access medical care in witness protection.
- Lack of provision of aftercare services results in difficulties for witnesses to reintegrate successfully into the community.

Upon entering OWP, witnesses sign a protection agreement that stipulates the terms and conditions of the programme. Some of the terms are that witnesses are required not to reveal to their family the location where they are protected. Further, witnesses are required not to reveal their true identity to anyone or to travel to areas outside the location of their safe house (Appleyard 2011:18; Beqiri 2017:347; Bhushan & Pranati 2007:19; Council of Europe 1999:17; Dworzecki: 201851; Fyfe & McKay 2000:285; Irish et al 2000:22; Mack 2014:225; Vincent 2016:24).

These rules contribute to isolation, two witnesses said they are afraid to reach out to meet new people and make friends because of fear that people might ask questions like 'Where do you come from?; Where do you work?; Who are you?' Two witnesses indicated that it is difficult to make up stories and lie about their identity all the time (Council of Europe 1999:21; Fyfe & McKay 2000:687). These challenges were also observed by protectors who indicated that witnesses are not able to secure employment because of the dilemma of not being allowed to reveal their identity while an ID document is a requirement for most job applications. As a result of these challenges, most witnesses prefer to keep to themselves without socialising and seeking employment opportunities because of the fear that they might say something that will reveal their true identity (Beune & Giebels 2013:17; Council of Europe 1999:20; Koedam 1993:364).

The researcher, after consulting the literature and also taking into consideration the accounts of witnesses on their experiences of being in OWP, further concluded that witnesses find it difficult to cope and adjust because of the terms and conditions of the programme such as the restrictions on mobility, socialising, maintaining contact with family and the ineffective support systems for witnesses (Beune & Giebels 2013:17; Kayuni & Jamu 2015:430).

The reason why witnesses are removed from their homes into the programme is precisely to protect them from being killed. As a result, witnesses are accommodated in safe houses in areas that are deemed to be safe in line with the threat assessment. It is of concern if the community around the safe house knows or suspect that a specific dwelling is a safe house as that could result in the identity of the witness being compromised. One witness mentioned that she was concerned about the identity of her safe house as some people in the community asked her if she was a witness. She was convinced that witnesses who occupied the house before her could have revealed their identity and status to their friends, so the members of the community automatically assumed that everyone who occupied the same house was a witness. Two protectors raised the same concern about the challenges of using one safe house repeatedly and the risk of compromising the safety of a witness staying in the house (Stepakoff et al 2017:272; Vasile 2015:187).

Witnesses in the OWP, just like witnesses in other countries, are entitled to witness assistance. Witness assistance encompasses, among other services, financial support, access to medical care, provision of psycho-social services, assistance to secure a job, rehabilitation and skills training (UNODC 2008:28). Witnesses and staff members in this study expressed concern about the inadequate financial support that witnesses received. Witnesses who were employed prior to admission to the programme are compensated with the amount equivalent to their salary while those who were not employed are afforded a R750 monthly allowance. Staff members indicated that the monthly allowance had not been reviewed for many years regardless of the inflation rate and the recent increase of the value-added tax (VAT) (Irish et al 2000:28, Kiprono et al. 2015:55; Mahony 2010:109; Minaar 2002:126). One witness mentioned that he had to request an advance on his monthly allowance as his children were hungry and he had nothing to feed them. As a result of hunger, some witnesses resorted to selling assets from the safe house to feed themselves while some simply returned home.

The accounts of witnesses regarding medical care by the OWP indicated that it is a struggle to access medical care services. One witness stated that he was requested by his protector to obtain quotations from medical doctors so that the OWP could pay for the cost of his consultation, and after securing quotations his application for medical care was declined on the basis of budgetary constraints. Another witness whose child was sick decided to pay for the medical costs herself after she was subjected to wait in a long line at a provincial hospital. She indicated that being in an overcrowded place evoked fear in her that she might be recognised by someone who knew her. Another witness also paid for her medical tests as she was previously informed that the OWP does not have money.

Witnesses are discharged from protection after completion of their testimony. Some witnesses are able to go back home to be reunited with their family while some, because of the persisting threat on their lives, are not able to do so. Those who are not able to go back to their homes, try to start a new life somewhere else where they are deemed to be safe, without resources. Protectors mentioned that the OWP provides a Wendy house for such witnesses. One protector indicated that the OWP officials terminate contact with the witnesses after a witness is discharged from the

programme. This means witnesses are left to fend for themselves in terms of safety, housing, medical care, psycho-social services, employment (Irish et al 2000:41). Lack of support of witnesses when they exit the programme might discourage future witnesses to collaborate with authorities in terms of reporting crime or tendering their testimony.

The next section provides a summary and conclusions of the programme-related challenges that were observed by staff members. Staff members believed that these challenges have a direct impact on the services to witnesses.

#### 6.2.4.4 Theme Four: Challenges as perceived by staff members (protectors, social workers and senior managers)

The responses of staff members to the question about the challenges experienced by witnesses resulted in this theme. Staff members are of the view that the OWP has challenges that impact service delivery to witnesses. In reflecting on the staff members' accounts, the researcher arrived at the following conclusions:

- The placement of the OWP under the NPA contravenes the provisions of the Witness Protection Act 112 of 1989 and creates operational challenges.
- The OWP is not well funded to enable it to discharge its mandate.
- There is a need to review the legislative framework that underpins the functioning of the OWP.

The OWP was established in terms of the Witness Protection Act 112 of 1998 (South Africa 1998: section 2) which states that the programme shall resort under the Department of Justice and Correctional services. At the time of conducting this study, the OWP was a sub-programme of the NPA. The staff members believe that placing the OWP directly under the Department of Justice would contribute to resolving some of the problems such as shortage of funding. One staff member said the National Treasury only makes budget allocations up to the level of a programme, as a sub-programme OWP relies on the crumbs from the mother programme in terms of funding. Another staff member's view was that the OWP might be able to afford the appointment of additional staff members if it were independent from the NPA with its own budget allocation (Mahony 2010:97).

Literature on witness protection advocates for witness protection programmes to be independent from the police departments and prosecution authorities in order to ensure that the autonomy of the programme can stand up to scrutiny (Appleyard 2011:13; Council of Europe 2015:2; Dandurand & Farr 2010:14; UNOCD 2008:53; Vincent 2016:34). A number of challenges raised by both witnesses and staff members had to do with the inadequate funding of the OWP to enable it to protect witnesses successfully such as:

- The inability of witnesses to maintain contact with their family through family visits organised by the OWP
- The inadequate monthly allowances offered to witnesses
- Difficulties in appointing sufficient personnel to ensure efficient service delivery to witnesses
- Challenges regarding efficient and timely access to medical care services
- Difficulties in accessing psycho-social services by witnesses because of shortage of social workers
- Regular training of protection staff to ensure that they sharpen their skills and keep abreast with the developments in the field of witness protection.

Staff members further raised concerns about the Witness Protection Act and internal policies of the OWP. It was reported that certain sections of the Act are outdated such as section 6. Further, the same Act does not make provision for aftercare services and identity change is not specified. As a result, the OWP cannot be held accountable for neglecting witnesses by means of lack of provision of aftercare services after they are discharged from the programme. This finding is corroborated by the Public Protector's Report (Department of Justice 2006:26) which recommended that the Witness Protection Act be amended to include provision of aftercare services for witnesses. It appears that these recommendation and others from the same report aimed at service delivery improvement in the OWP were never implemented. This report was issued prior to a ruling by the Supreme Court of Appeal (2015:36) which clarified that the recommendations of the Public Protector may not be ignored unless the report is taken on review.

Staff members also raised concerns about the difficulties emanating from ineffective internal policies. Effective legislation in witness protection is required to ensure the integrity of the programme (Appleyard 2011:14; Dandurand & Farr 2010:76; Newham 1995:8; Njeri 2016:2). One protector mentioned that some of the OWP policies are not approved or officially signed off and thus remain unofficial. Protectors indicated that lack of policies result in challenges such as lack of care and support of protection personnel by the OWP management, fragmentation/lack of co-ordination of services to witnesses, lack of interdepartmental collaboration between the OWP, other government departments and the NGO sector to ensure efficacy in service delivery, lack of provision of aftercare services for witnesses and lack of consistency in service delivery that result in unequal treatment of witnesses.

The next section deals with the last theme of the findings namely the suggestions of both witnesses and staff members on how best to improve service delivery and to address the gaps that were identified and presented in the four themes above.

#### 6.2.4.5 Theme Five: Suggestions by witnesses and staff members for service delivery improvement

Witnesses and staff members made suggestions to improve service delivery based on the challenges that were presented under themes two and three. Staff members further made suggestions for the improvement of the functioning of the programme in general. The discussion was presented in two sub-themes and 18 categories. The discussion of the suggestions incorporated the coping theory in terms of how the suggestions will help witnesses to cope better in the programme. Based on the suggestions of witnesses and staff members, the researcher concluded as follows.

There is a need for improved support services to witnesses such as financial assistance, job placement and upskilling of witnesses, improved access to social work services, regular contact with family, establishment of an aftercare programme, review and finalisation of amendments to the Witness Protection Act and internal policies, to ensure the independence of the OWP and consistency in service delivery, regular training of the protection staff, development of a wellness programme for protection staff and interdepartmental collaboration with other agencies for efficient service delivery to witnesses.

The researcher further concluded that these suggestions were relevant and useful and as such they contributed to the drafting of the guidelines for co-ordinated service delivery to witnesses. The proposed guidelines were presented in Chapter Five. The next section will provide a summary and the conclusions of the guidelines.

### 6.2.5 Guidelines for co-ordinated service delivery to witnesses in OWP developed from a social work perspective

The guidelines were informed by literature on best practice in the field of witness protection (Beaune & Giebels 2013; Council of Europe 1999; Fyfe & Mckay 2000; Kaur 2011; Koedam 1993; Mahony 2010; UNODC 2008) and the findings of this study based on the suggestions of participants. At the beginning of Chapter Five, the researcher identified the gaps in service delivery and how they impact the lives of witnesses. This was followed by the relevant legal framework, theories and principles underpinning the proposed guidelines as highlighted in the section below.

The legal framework included the Constitution of South Africa Act 108 of 96, White Paper on Families 2013, White Paper on Transforming Public Service Delivery 1997, Children's Act 38/2005, Criminal Procedure Act 51 of 1977, Witness Protection Act 112 of 1998, Service Charter for Victims of Crime in South Africa 2004, Generic norms and standards for social welfare in South Africa 2011 and the Promotion of Access to Information Act 2 of 2000. The researcher also described the theoretical approaches relevant to the guidelines such as the systems theory and systems thinking theory, the ecosystem approach, the strength approach and the structural approach. The researcher believes that these theories provide a foundational base and understanding of the different challenges faced by witnesses and the best suited intervention strategies. Furthermore, the researcher identified the principles for service delivery that must be taken into consideration in rendering services to witnesses in protection. Such principles are: to be non-judgemental; not to discriminate against witnesses; to respect a witness and family for their dignity; to acknowledge the uniqueness of witnesses; to implement an integrated approach in service delivery; to empower witnesses to become self-reliant when they exit the programme; to render services geared at preserving families; to prioritise

empowerment of witnesses; and to ensure that everyone who renders services to witnesses is held accountable for providing effective and quality services.

The proposed guidelines to render integrated services by a multidisciplinary team in the OWP were identified and the process to follow in implementing each guideline was described. The guidelines are listed below:

- Creation of awareness of the OWP.
- Readily available information for the officials who are responsible for the recruitment and application process of witnesses.
- Establishment of collaboration through memoranda of understanding with other stakeholders to ensure efficacy in service delivery.
- Adoption of a holistic and integrated approach as part of the witness management strategy.
- Development and implementation of a rehabilitation programme for witnesses who are admitted in terms of section 204 of the Criminal Procedure Act 51 of 1977 and witnesses who are dependant on substances
- Development of job placement programmes
- Establishment of a consistent family reunion programme
- Provision of improved and significant financial support for witnesses
- Provision of consistent and integrated psycho-social support by a multidisciplinary team.
- Improved access to medical care for witnesses.
- Provision of efficient discharge, family reunification, reintegration and aftercare services for witnesses
- Amendment of the Witness Protection Act 112 of 1998 to make changes to section 6, to make amendments to the provision for identity changes and aftercare services.

The suggested process to implement each guideline, as well as the legal frameworks, theories and principle relevant to each guideline were presented in Table 5.1.

In analysing the guidelines, the researcher arrived at the conclusion that the guidelines are relevant and will contribute to the improvement and transformation of service delivery in the OWP through adoption of an integrated approach. Secondly, the researcher concluded that the development of the guidelines adds to the body of knowledge in the field of social work practice and witness protection programmes.

### 6.3 LIMITATIONS OF THE STUDY

Lack of sufficient literature in South Africa and in Africa led the researcher to rely on international literature some of which are older than ten years and lastly the study did not include the officials who are responsible for recruiting witnesses for admission into the programme such as the police officers and prosecutors and as a result their views are not part of this research report.

### 6.4 RECOMMENDATIONS

The recommendations of this study are informed by the research findings and the conclusions presented in this chapter. Part of the recommendations were presented in the form of guidelines for co-ordinated service delivery in Chapter Five. The next section will provide a summary of the recommendations, followed by a proposed agenda for future research.

#### 6.4.1 Recommendation for a co-ordinated service delivery approach

*It is recommended that:*

- The head of OWP ensures the development and implementation of awareness campaigns for prosecutors, police officers and the community about the existence of the witness protection programme and services rendered. It is further recommended that the OWP reaches out to the Department of Social Development for collaboration in terms of filtering information through its regional offices and NGOs, as provided for under section 7(a) of the Witness Protection Act 112 of 1998 (South Africa 1998: section 7(a)) and the UNODC 2008:28. The social workers of the Department of Social Development play an active role in disseminating information about

the programme especially in cases that involve victims of crime. Social workers within OWP should also play an active role throughout the witness's stay in the programme, from admission to aftercare.

- It is also recommended that the head of OWP and the provincial managers forge collaboration with various other government departments for a co-ordinated service delivery approach in the protection and support of witnesses. An aftercare policy should be developed and implemented to ensure a comprehensive package of services aimed at assisting witnesses to cope and move on with their lives after exiting the programme without much difficulty. Such services may include provision of accommodation for witnesses who are not able to return to their homes because of continuous threat on their lives, family reunification services and linking witnesses with services providers outside the programme.
- The Minister of the Department of Justice and Correctional Services and National Treasury should consider improving the funding for the OWP to enable it to discharge its mandate. It is anticipated that sufficient funding would contribute to the improvement of all services that rely on funds such as the recruitment of additional staff members; family visits; regular training of the protection staff members; improvement in the use of safe houses; financial support and access to medical care for witnesses.
- It is recommended that the head of OWP considers the recruitment of a multidisciplinary team in each province consisting of a medical doctor, psychologist and social worker to ensure that all the psycho-social services are insourced and services to witnesses are rendered in a co-ordinated and integrated manner (Beqiri 2018:25; Beune & Giebels 2013:84; Council of Europe 2005:6; Kaur 2011:366; Kayuni & Jamu 2015:429; UNODC 2008:27). It is further suggested that the recruitment of additional protectors be considered to alleviate burnout of and pressure on the current staff and enhance the effectiveness of service delivery to witnesses.

- The proposed guidelines presented in Chapter Five should be taken into consideration for implementation in rendering services to witnesses by the head of OWP, senior managers and all staff members responsible for service delivery.

#### 6.4.2 Recommendations for the improvement of the programme

*It is recommended that:*

- The head of OWP facilitates the process of amending the Witness Protection Act 112 of 1998 to deal with section 6 that refers to security officers instead of protectors and to make amendments for identity change and aftercare services. It is further recommended that the head of OWP oversees finalisation and implementation of the policies to ensure consistency and coordinated service delivery approach across all nine provinces. It is recommended that the head of OWP and senior managers provide guidance, leadership, support and ensures quality control of service delivery through monitoring and evaluation programmes.
- The head of OWP and senior managers give consideration to relocate the OWP from the NPA to the Department of Justice and Correctional Services in order to ensure its autonomy and to avoid contamination of information (Appleyard 2011:13; Council of Europe 2015:2; Dandurand & Farr 2010:14; Fery 2012:9; Fyfe & McKay 2000:290; Mahony 2010: 97; UNOCD 2008:53; Vincent 2016:34).
- The head of OWP brings into effect section 4(3) of the Witness Protection Act 112 of 1998 (South Africa 1998: section 4(3)) that provides for the National Director of the OWP to enter into agreements with or to source support from other government departments such as the Department of Social Development, Department of Health, Department of Human Settlements and the Department of Education, Department of Employment and Labour in favour of rendering efficient and co-ordinated services to witnesses (Council of Europe 1999:26; Dandurand & Farr 2010:56; Dulume 2016:143; Fyfe & Sheptycki 2006:350; Mahony 2010:8; Paunovic et al

2013:34; UNODC 2008:55). This collaboration would serve to ensure improved provision of skills and rehabilitation for witnesses, improved access to medical care services, provision of decent housing after the discharge of witnesses from the programme and aftercare services.

- The head of OWP oversees the development and implementation of an employee wellness programme that is geared at assisting the protection staff to manage the trauma that comes with protection work (Council of Europe 2018:4; Kayuni & Jamu 2015:429; Mahony 2010:98; UNOCD 2004:256). The protectors are exposed to stress in their day-to-day work through providing emotional support and comfort to witnesses (Mujkanovic 2014:68). This will also serve to ensure that protection staff do not discuss the content of the programme with outside service providers and will retain the covert nature of the programme.

#### 6.4.3 Recommendations for future research

This section will focus on the recommendations for further research based on the conclusions of this study.

Lack of research in witness protection in Africa and in South Africa is one of the reasons that prompted the researcher to embark on this study. *It is thus recommended that more studies be conducted on:*

- The impact of isolation on family functioning because of admission of a family member to witness protection.
- The reintegration and family reunification of witnesses discharged from OWP and whether they were targeted by perpetrators against whom they testified and if they managed to reintegrate successfully in communities.
- The knowledge and awareness of criminal justice system officials, such as police officers and prosecutors about the existence and their knowledge of witness protection services.

#### 6.4.4 Recommendations for dissemination of the findings

It is proposed that the research findings be disseminated through the following platforms:

- A workshop with the senior management of OWP
- A workshop with the the staff members and the provincial managers of OWP
- A copy of the thesis to be listed at the NPA library for ease of access by staff members
- Writing for publication of manuscripts on the main findings.

### 6.5 SUMMARY OF THE CHAPTER

This chapter was dedicated to a summary of this study and the conclusions drawn based on the findings of the study. The researcher started by introducing the chapter, followed by a summary of the general introduction and orientation of the study as well as the literature review and theoretical framework that underpinned the study. This was followed by a summary and the conclusions of the applied description of the qualitative research process followed in this study.

The next section focused on the summary and conclusions of the research findings. The researcher first revisited the demographic details of participants, followed by a presentation of the summary of the five themes. A summary of the guidelines and conclusions was presented and the last section focused on the recommendations for co-ordinated service delivery by the OWP, improvement of the OWP programme and recommendations for future research.

Witness protection programmes are vital instruments in the fight against crime and the protection of vulnerable witnesses against harm and intimidation. However, admission to witness protection programmes comes with significant ramifications for the psycho-social well-being of witnesses and their families that requires a coordinated service delivery approach to empower witnesses to manage trauma and adjust and cope better in the programme.

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**ADDENDUM A:  
PREAMBLE TO AN INFORMATION AND INFORMED CONSENT DOCUMENT FOR  
WITNESSES**

Dear Mr Thapelo Nkwenyana (pseudonym)

I Lucy Nthepa Mphaphuli, the undersigned, am a social work manager in the service of the National Prosecuting Authority in Pretoria, and also a part-time doctorate student in the Department of Social Work at the University of South Africa. In fulfilment of requirements for the doctoral degree, I have to undertake a research project and have consequently decided to focus on the following topic: **Experiences and challenges of witnesses in the witness protection programme in South Africa: guidelines for coordinated service delivery developed from a social work perspective.**

In view of the fact that you are well-informed about the topic, I hereby approach you with the request to participate in the study. For you to decide whether or not to participate in this research project, I am going to give you information that will help you to understand the study (i.e. what the aims of the study are and why there is a need for this particular study). Furthermore, you will be informed about what your involvement in this study will entail (i.e. what you will be asked/or what you will be requested to do during the study, the risks and benefits involved by participating in this research project, and your rights as a participant in this study).

This research project originated as a result of *gaps in literature about experiences and challenges of witnesses in protection within the South African context and the aim is to develop an in-depth understanding of the experiences and challenges of witnesses in OWP.* The information gathered from this study will help to improve service delivery for witnesses so as to contribute towards developing guidelines for coordinated service delivery.

Should you agree to participate, you would be requested to participate in face-to-face interviews that will be conducted at your convenience between 9h00 and 16h00. It is estimated that the interviews will last approximately one hour. During the interviews the following questions will be directed to you:

1. What did you know about OWP before you were admitted to the programme?
1. Describe the role of the different role players in the OWP.
2. How did your life change when you became part of the OWP?
3. Tell me more about your experiences of being part of the OWP.
4. What challenges do you experience in OWP?
5. How do you cope with these challenges?

6. How can social workers assist you in coping with your experiences and challenges of being in the programme?
7. How can the OWP help you to reintegrate successfully into the community?
8. What are your suggestions on how the OWP can improve the programme in response to your challenges and for co-ordinated service delivery?

With your permission, the interviews will be audiotaped. The recorded interviews will be transcribed word-for-word. Your responses to the interviews (both the taped and transcribed version) will be kept **strictly confidential**. The audiotapes will be coded to disguise any identifying information. The tapes will be stored in a strong room inside a locked office at my work place and only I will have access to them. The transcripts (without any identifying information) will be made available to my research supervisors, a translator (if they need to be translated into English), and an independent coder with the sole purpose of assisting and guiding me with this research undertaking. My research supervisors, the translator and the independent coder will each sign an undertaking to treat the information shared by you in a confidential manner. *The independent coder is someone who is well versed and experienced in analysing information collected by means of interviews and is appointed to analyse the transcripts of the interviews independently of the researcher to ensure that the researcher will report the participants' accounts of what has been researched.*

The audiotapes and transcripts of the interview will be destroyed upon completion of the study. Identifying information will be deleted or disguised in any subsequent publication and presentation of the research findings.

Please note that participation in this study is **completely voluntary**. You are not obliged to take part in the research. Your decision to participate, or not to participate, will not affect you in any way now or in the future and you will incur no penalty and loss to which you may otherwise be entitled. Should you agree to participate and sign the information and informed consent document herewith, as proof of your willingness to participate, please note that you are not signing your rights away.

If you agree to take part, you have the right to change your mind at any time during the study. You are free to withdraw this consent and discontinue participation without any loss of benefits. However, if you do withdraw from the study, you would be requested to grant me an opportunity to engage in an informal discussion with you so that the research partnership that was established can be terminated in an orderly manner.

As the researcher, I also have the right to dismiss you from the study without regard to your consent if you fail to follow the instructions or if the information you have to divulge is emotionally sensitive and upsets you to such an extent that it hinders you from functioning physically and emotionally in a proper manner. Furthermore, if participating in the study at any time jeopardises your safety in any way, you will be discharged from the project. Should I conclude that the information you have shared left you feeling emotionally upset, or perturbed, I am obliged to refer you to a counsellor for debriefing or counselling (with your permission).

You have the right to ask questions concerning the study at any time. Should you have any questions or concerns about the study, contact this number **0768425544**.

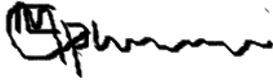
Please note that this study has been approved firstly by the Research and Ethics Committee of the Department of Social Work at Unisa and secondly by the National Director of the Office for Witness Protection in South Africa. Without these approvals, the study cannot be conducted. Should you have any questions and queries not sufficiently addressed by me as the researcher, you are more than welcome to contact the Chairperson of the Research and Ethics Committee of the Department of Social Work at Unisa. His contact details are as follows: Prof AH (Nicky) Alpaslan, telephone number: **012 429 6739** or email [alpasah@unisa.ac.za](mailto:alpasah@unisa.ac.za). *The Research and Ethics Committee is a group of independent experts whose responsibility is to help ensure that the rights and welfare of participants in research are protected and the study is carried out in an ethical manner.*

If, after you have consulted the researcher and the Research and Ethics Committee in the Department of Social Work at Unisa, their answers have not satisfied you, you might direct your questions/concerns/queries to the Chairperson, Human Ethics Committee, College of Human Science, PO Box 392, Unisa, 003. *The Human Ethics Committee is a group of independent experts whose responsibility is to help ensure that the rights and welfare of participants in research are protected and the study is carried out in an ethical manner.*

Based upon all the information provided to you above, and being aware of your rights, you are asked to give your written consent should you want to participate in this research study by signing and dating the information and consent form provided herewith and initial each section to indicate that you understand and agree to the conditions.

Thank you for your participation.

Kind Regards

A handwritten signature in black ink, appearing to read 'Lucy Mphaphuli', with a stylized flourish at the end.

Lucy Mphaphuli

Researcher

012 845 6000

0768425544

[30884551@mylife.unisa.ac.za](mailto:30884551@mylife.unisa.ac.za)

## **PREAMBLE TO AN INFORMATION AND INFORMED CONSENT DOCUMENT FOR PROTECTORS**

Dear Ms Dakalo Matlou (pseudonym)

I Lucy Nthepa Mphaphuli, the undersigned, am a social work manager in the service of the National Prosecuting Authority in Pretoria, and also a part-time doctorate student in the Department of Social Work at the University of South Africa. In fulfilment of requirements for the doctoral degree, I have to undertake a research project and have consequently decided to focus on the following topic: **experiences and challenges of witnesses in the witness protection programme in South Africa: guidelines for coordinated service delivery developed from a social work perspective.**

In view of the fact that you are well-informed about the topic, I hereby approach you with the request to participate in the study. For you to decide whether or not to participate in this research project, I am going to give you information that will help you to understand the study (i.e. what the aims of the study are and why there is a need for this particular study). Furthermore, you will be informed about what your involvement in this study will entail (i.e. what you will be asked/or what you will be requested to do during the study, the risks and benefits involved by participating in this research project, and your rights as a participant in this study).

This research project originated as a result of *gaps in literature about experiences and challenges of witnesses in the OWP within the South African context and the aim is to develop an in-depth understanding of the experiences and challenges of witnesses in OWP.* The information gathered from this study will help to improve service delivery for witnesses so as to contribute towards developing guidelines for co-ordinated social work service delivery.

Should you agree to participate, you would be requested to participate in face to face interviews that will be conducted at your convenience between 9h00 and 16h00. It is estimated that the interviews will last approximately one hour. During the interviews the following questions will be directed to you.

1. What did you know about the OWP prior to you being employed by the NPA?
2. Describe the role of the different role players in the OWP?
3. Tell me more about your experiences of being part of the OWP?
4. What challenges do witnesses experience in OWP?
5. How do they cope with these challenges?
6. What are the reasons why witnesses leave the programme prematurely?

7. How can social workers assist witnesses in coping with their experiences and challenges of being in the programme?
8. How can the OWP help witnesses to reintegrate successfully into the community
9. What are your suggestions on how the OWP can improve the programme in response to the challenges of witnesses and for coordinated service delivery?

With your permission, the interviews will be audiotaped. The recorded interviews will be transcribed word-for-word. Your responses to the interviews (both the taped and transcribed version) will be kept **strictly confidential**. The audiotapes will be coded to disguise any identifying information. The tapes will be stored in a strong room inside a locked office at my workplace and only I will have access to them. The transcripts (without any identifying information) will be made available to my research supervisors, a translator (if they need to be translated into English), and an independent coder with the sole purpose of assisting and guiding me with this research undertaking. My research supervisors, the translator and the independent coder will each sign an undertaking to treat the information shared by you in a confidential manner. *The independent coder is someone who is well versed and experienced in analysing information collected by means of interviews and is appointed to analyse the transcripts of the interviews independently of the researcher to ensure that the researcher will report the participants' accounts of what has been researched.*

The audiotapes and transcripts of the interview will be destroyed upon completion of the study. Identifying information will be deleted or disguised in any subsequent publication and presentation of the research findings.

Please note that participation in this study is **completely voluntary**. You are not obliged to take part in the research. Your decision to participate, or not to participate, will not affect you in any way now or in the future and you will incur no penalty and loss to which you may otherwise be entitled. Should you agree to participate and sign the information and informed consent document herewith, as proof of your willingness to participate, please note that you are not signing your rights away.

If you agree to take part, you have the right to change your mind at any time during the study. You are free to withdraw this consent and discontinue participation without any loss of benefits. However, if you do withdraw from the study, you would be requested to grant me an opportunity to engage in an informal discussion with you so that the research partnership that was established can be terminated in an orderly manner.

As the researcher, I also have the right to dismiss you from the study without regard to your consent if you fail to follow the instructions or if the information you have to divulge is emotionally sensitive and upsets you to such an extent that it hinders you from functioning physically and emotionally in a proper manner. Furthermore, if participating in the study at any time jeopardises your safety in any way, you will be discharged from the project. Should I conclude that the information you have shared left you feeling emotionally upset, or perturbed, I am obliged to refer you to a counsellor for debriefing or counselling (with your permission).

You have the right to ask questions concerning the study at any time. Should you have any questions or concerns about the study, contact this number **0768425544**.

Please note that this study has been approved firstly by the Research and Ethics Committee of the Department of Social Work at Unisa and secondly by the National Director of the Office for Witness Protection in South Africa. Without these approvals, the study cannot be conducted. Should you have any questions and queries not sufficiently addressed by me as the researcher, you are more than welcome to contact the Chairperson of the Research and Ethics Committee of the Department of Social Work at Unisa. His contact details are as follows: Prof AH (Nicky) Alpaslan, telephone number: **012 429 6739** or email [alpasah@unisa.ac.za](mailto:alpasah@unisa.ac.za). *The Research and Ethics Committee is a group of independent experts whose responsibility is to help ensure that the rights and welfare of participants in research are protected and the study is carried out in an ethical manner.*

If, after you have consulted the researcher and the Research and Ethics Committee in the Department of Social Work at Unisa, their answers have not satisfied you, you might direct your questions/concerns/queries to the Chairperson, Human Ethics Committee, College of Human Science, PO Box 392, Unisa, 003. *The Human Ethics Committee is a group of independent experts whose responsibility is to help ensure that the rights and welfare of participants in research are protected and the study is carried out in an ethical manner.*

Based upon all the information provided to you above, and being aware of your rights, you are asked to give your written consent should you want to participate in this research study by signing and dating the information and consent form provided herewith and initial each section to indicate that you understand and agree to the conditions.

Thank you for your participation.

Kind Regards

A handwritten signature in black ink, appearing to read 'Lucy Mphaphuli', with a stylized initial 'L' and 'M'.

Lucy Mphaphuli

Researcher

012 845 6000

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## **PREAMBLE TO AN INFORMATION AND INFORMED CONSENT DOCUMENT FOR SOCIAL WORKERS**

Dear Ms Warona Nkadimeng (pseudonym)

I Lucy Nthepa Mphaphuli, the undersigned, am a social work manager in the service of the National Prosecuting Authority in Pretoria, and also a part-time doctorate student in the Department of Social Work at the University of South Africa. In fulfilment of requirements for the doctoral degree, I have to undertake a research project and have consequently decided to focus on the following topic: **experiences and challenges of witnesses in the witness protection programme in South Africa: guidelines for coordinated service delivery developed from a social work perspective.**

In view of the fact that you are well-informed about the topic, I hereby approach you with the request to participate in the study. For you to decide whether or not to participate in this research project, I am going to give you information that will help you to understand the study (i.e. what the aims of the study are and why there is a need for this particular study). Furthermore, you will be informed about what your involvement in this study will entail (i.e. what you will be asked/or what you will be requested to do during the study, the risks and benefits involved by participating in this research project, and your rights as a participant in this study).

This research project originated as a result of *gaps in literature about experiences and challenges of witnesses in protection within the South African context and the aim is to develop an in-depth understanding of the experiences and challenges of witnesses in OWP.* The information gathered from this study will help to improve service delivery for witnesses as we as to contribute towards developing guidelines for coordinated social work service delivery.

Should you agree to participate, you would be requested to participate in face to face interviews that will be conducted at your convenience between 9h00 to 16h00. It is estimated that the interviews will last approximately one hour. During the interviews the following questions will be directed to you:

1. What did you know about the OWP prior to you being employed by the NPA?
2. Describe the role of the different role players in the OWP?
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8. How can the OWP help witnesses to reintegrate successfully into the community?
9. What are your suggestions on how the OWP can improve the programme in response to the challenges of witnesses and for coordinated service delivery?.

With your permission, the interviews will be audiotaped. The recorded interviews will be transcribed word-for-word. Your responses to the interviews (both the taped and transcribed version) will be kept **strictly confidential**. The audiotapes will be coded to disguise any identifying information. The tapes will be stored in a strong room inside a locked office at my workplace and only I will have access to them. The transcripts (without any identifying information) will be made available to my research supervisors, a translator (if they need to be translated into English), and an independent coder with the sole purpose of assisting and guiding me with this research undertaking. My research supervisors, the translator and the independent coder will each sign an undertaking to treat the information shared by you in a confidential manner. *The independent coder is someone who is well versed and experienced in analysing information collected by means of interviews and is appointed to analyse the transcripts of the interviews independently of the researcher to ensure that the researcher will report the participants' accounts of what has been researched.*

The audiotapes and transcripts of the interview will be destroyed upon completion of the study. Identifying information will be deleted or disguised in any subsequent publication and presentation of the research findings.

Please note that participation in this study is **completely voluntary**. You are not obliged to take part in the research. Your decision to participate, or not to participate, will not affect you in any way now or in future and you will incur no penalty and loss to which you may otherwise be entitled. Should you agree to participate and sign the information and informed consent document herewith, as proof of your willingness to participate, please note that you are not signing your rights away.

If you agree to take part, you have the right to change your mind at any time during the study. You are free to withdraw this consent and discontinue participation without any loss of benefits. However, if you do withdraw from the study, you would be requested to grant me an opportunity to engage in an informal discussion with you so that the research partnership that was established can be terminated in an orderly manner.

As the researcher, I also have the right to dismiss you from the study without regard to your consent if you fail to follow the instructions or if the information you have to divulge is emotionally sensitive and upsets you to such an extent that it hinders you from functioning physically and emotionally in a proper manner. Furthermore, if participating in the study at any time jeopardises your safety in any way, you will be discharged from the project. Should I conclude that the information you have shared left you feeling emotionally upset, or perturbed, I am obliged to refer you to a counsellor for debriefing or counselling (with your permission).

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Thank you for your participation.

Kind Regards

A handwritten signature in black ink, appearing to read 'Lucy Mphaphuli', with a stylized initial 'L' and 'M'.

Lucy Mphaphuli

Researcher

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## **PREAMBLE TO AN INFORMATION AND INFORMED CONSENT DOCUMENT FOR SENIOR MANAGERS**

Dear Mr Obed Selepe

I Lucy Nthepa Mphaphuli, the undersigned, am a social work manager in the service of the National Prosecuting Authority in Pretoria, and also a part-time doctorate student in the Department of Social Work at the University of South Africa. In fulfilment of requirements for the doctoral degree, I have to undertake a research project and have consequently decided to focus on the following topic: **experiences and challenges of witnesses in the witness protection programme in South Africa: guidelines developed from a social work perspective.**

In view of the fact that you are well-informed about the topic, I hereby approach you with the request to participate in the study. For you to decide whether or not to participate in this research project, I am going to give you information that will help you to understand the study (i.e. what the aims of the study are and why there is a need for this particular study). Furthermore, you will be informed about what your involvement in this study will entail (i.e. what you will be asked/or what you will be requested to do during the study, the risks and benefits involved by participating in this research project, and your rights as a participant in this study).

This research project originated as a result of *gaps in literature about experiences and challenges of witnesses in OWP within the South African context and the aim is to develop an in-depth understanding of the experiences and challenges of witnesses in protection.* The information gathered from this study will help to improve service delivery for witnesses as well as to contribute towards developing guidelines for coordinated social work service delivery.

Should you agree to participate, you would be requested to participate in face to face interviews that will be conducted at your convenience between 9h00 to 16h00. It is estimated that the interviews will last approximately 30 minutes. During the interviews the following questions will be directed to you:

1. What did you know about the OWP prior to you being employed by NPA?
2. Describe the role of the different role players in the OWP?
3. Tell me more about your experiences of being part of the OWP?
4. What challenges do witnesses experience in OWP?
5. How do they cope with these challenges?
6. What are the reasons why witnesses leave the programme prematurely?

7. How can social workers assist witnesses in coping with their experiences and challenges of being in the programme?
8. How can the OWP help witnesses to reiterate successfully into the community?
9. What are your suggestions on how the OWP can improve the programme in response to the challenges of witnesses and for co-ordinated service delivery?

With your permission, the interviews will be audiotaped. The recorded interviews will be transcribed word-for-word. Your responses to the interviews (both the taped and transcribed version) will be kept **strictly confidential**. The audiotapes will be coded to disguise any identifying information. The tapes will be stored in a strong room and only I will have access to them. The transcripts (without any identifying information) will be made available to my research supervisors, a translator (if they need to be translated into English), and an independent coder with the sole purpose of assisting and guiding me with this research undertaking. My research supervisors, the translator and the independent coder will each sign an undertaking to treat the information shared by you in a confidential manner. *The independent coder is someone who is well versed and experienced in analysing information collected by means of interviews and is appointed to analyse the transcripts of the interviews independently of the researcher to ensure that the researcher will report the participants' accounts of what has been researched.*

The audiotapes and transcripts of the interview will be destroyed upon completion of the study. Identifying information will be deleted or disguised in any subsequent publication and presentation of the research findings.

Please note that participation in this study is **completely voluntary**. You are not obliged to take part in the research. Your decision to participate, or not to participate, will not affect you in any way now or in future and you will incur no penalty and loss to which you may otherwise be entitled. Should you agree to participate and sign the information and informed consent document herewith, as proof of your willingness to participate, please note that you are not signing your rights away.

If you agree to take part, you have the right to change your mind at any time during the study. You are free to withdraw this consent and discontinue participation without any loss of benefits. However, if you do withdraw from the study, you would be requested to grant me an opportunity to engage in an informal discussion with you so that the research partnership that was established can be terminated in an orderly manner.

As the researcher, I also have the right to dismiss you from the study without regard to your consent if you fail to follow the instructions or if the information you have to divulge is emotionally sensitive and upsets you to such an extent that it hinders you from functioning physically and emotionally in a proper manner. Furthermore, if participating in the study at any time jeopardises your safety in any way, you will be discharged from the project. Should I conclude that the information you have shared left you feeling emotionally upset, or perturbed, I am obliged to refer you to a counsellor for debriefing or counselling (with your permission).

You have the right to ask questions concerning the study at any time. Should you have any questions or concerns about the study, contact this number **0768425544**.

Please note that this study has been approved firstly by the Research and Ethics Committee of the Department of Social Work at Unisa and secondly by the National Director of the Office for Witness Protection in South Africa. Without these approvals, the study cannot be conducted. Should you have any questions and queries not sufficiently addressed by me as the researcher, you are more than welcome to contact the Chairperson of the Research and Ethics Committee of the Department of Social Work at Unisa. His contact details are as follows: Prof AH (Nicky) Alpaslan, telephone number: **012 429 6739** or email [alpasah@unisa.ac.za](mailto:alpasah@unisa.ac.za). *The Research and Ethics Committee is a group of independent experts whose responsibility is to help ensure that the rights and welfare of participants in research are protected and the study is carried out in an ethical manner.*

If, after you have consulted the researcher and the Research and Ethics Committee in the Department of Social Work at Unisa, their answers have not satisfied you, you might direct your questions/concerns/queries to the Chairperson, Human Ethics Committee, College of Human Science, PO Box 392, Unisa, 003. *The Human ethics Committee is a group of independent experts whose responsibility is to help ensure that the rights and welfare of participants in research are protected and the study is carried out in an ethical manner.*

Based upon all the information provided to you above, and being aware of your rights, you are asked to give your written consent should you want to participate in this research study by signing and dating the information and consent form provided herewith and initial each section to indicate that you understand and agree to the conditions.

Thank you for your participation.

Kind Regards

A handwritten signature in black ink, appearing to read 'Lucy Mphaphuli', with a stylized flourish at the end.

Lucy Mphaphuli

Researcher

012 845 6000

0768425544

[30884551@mylife.unisa.ac.za](mailto:30884551@mylife.unisa.ac.za)

**ADDENDUM B:**

**INFORMATION AND CONSENT FORM DOCUMENT FOR PARTICIPANTS**

**TITLE OF THE RESEARCH PROJECT:**

**Experiences and challenges of witnesses in the witness protection programme in South Africa: guidelines for coordinated service delivery developed from a social work perspective.**

**PRINCIPAL RESEARCHER:**

Lucy Mphaphuli

No 123 Westlake Avenue

Weaviland Park, Silverton

Pretoria 1579

**CONTACT TELLEPHONE NUMBERS**

0768425544

012 845 6000

<p style="text-align: center;"><b>DECLARATION BY THE PARTICIPANT:</b></p> <p>I, THE UNDESIGNED,          .....NAME          ID NUMBER.....the          participant          Of.....Address</p> <p style="text-align: center;"><b>A. HEREBY CONFIRM AS FOLLOWS:</b></p> <p>1. I was invited to participate in the above research project which is being undertaken by Ms Lucy Nthepa Mphaphuli of the Department of Social Work in the School of Social Science and Humanities at the University of South Africa, Pretoria, South Africa.</p>	<p style="text-align: center;">Initial</p>
<p>2.The following aspects have been explained to me</p>	<p style="text-align: center;">Initial</p>

<p>AIM: The researcher is studying for a doctoral degree and the aim of the study is to gain an in-depth understanding of the <b>experiences and challenges of witnesses in a witness protection programme in South Africa. The study will result in the development of guidelines for co-ordinated social work service delivery.</b></p>	
<p>2.1. I understand that I am participating in this research study voluntarily, that I will have the right to ask questions or withdraw at any time, without any expectation of payment and that I will be interviewed on my experiences and challenges of witnesses in a witness protection programme.</p>	Initial
<p>2.2. Risks: If I get upset, become uncomfortable or experience trauma during the interviews, the researcher will refer me for debriefing or terminate my participation in the project.</p>	Initial
<p>2.3. Possible benefits: by participating in this study, I will contribute towards service delivery improvement in the witness protection programme, even for witnesses who will come in future.</p>	Initial
<p>2.4. Confidentiality: my identity will not be revealed in any discussion, description or scientific publications by the researcher. The interviews will be digitally recorded so that the researcher can remind herself of everything I said, the research information will be kept safe and at no point will my identity and location be compromised.</p>	Initial
<p>Access to findings: any new information or benefit that develops during the course of the study will be shared with me.</p>	Initial
<p>Voluntary participation/refusal/discontinuation: My participation is voluntary. My decision whether or not to participate will in no way affect me now or in future.</p>	Initial
<p>3. The information above was explained to me by Ms Lucy Mphaphuli in English and I am in command of this language. I was given an opportunity to ask questions. And all these questions were answered satisfactory.</p>	Initial

<p>4. No pressure was exerted on me to consent to participate and I understand that I may withdraw at any stage from the study without any penalties.</p>	<p>Initial</p>
<p>Participation in this study will not result in any cost to me.</p>	<p>Initial</p>
<p style="text-align: center;"><b>I HEREBY CONSENT VOLUNTARY TO PARTICIPATE IN THE ABOVE PROJECT.</b></p> <p>Signed</p> <p>at.....on.....2018</p> <p>.....</p> <p>.....</p> <p style="text-align: center;">Signature or right thumbprint                      Signature of participant</p>	

**ADDENDUM C:  
STATEMENTS AND DECLARATIONS**

<p><b>STATEMENT BY RESEARCHER</b></p> <p>I, Lucy Nthepa Mphaphuli, declare that I have explained the information given in this document to _____ (name of participant. He/she was encouraged and given ample time to ask clarity-seeking questions; this conversation was conducted in English.</p> <p>Signed at _____ on _____ 20____ (place) (date)</p> <p>_____ Signature of the researcher</p> <p>_____ Signature of witness</p>	
<p><b>IMPORTANT MESSAGE TO PARTICIPANT</b></p>	
<p>Dear Participant</p> <p>Thank you for your participation in this study. Should at any time during the study an emergency arise as a result of your participation in the research, or you require any further information with regard to the study, or the following occur :</p> <p><input type="checkbox"/> You suffer any harm as a result of the researcher process, kindly contact the researcher at the following contact details:</p> <p>Lucy Mphaphuli on 0768425544/30884551 @mylife.unisa.ac.za</p>	

**ADDENDUM D:****INTERVIEW GUIDE FOR WITNESSES**

Biographical questions

These questions are for statistical purposes only

Please tick the appropriate box

<b>Gender</b>	<b>Male</b>	<b>Female</b>							
<b>Age</b>	<b>25-35</b>	<b>40-45</b>	<b>50-65</b>						
<b>Race</b>	<b>Black</b>	<b>Indian</b>	<b>Coloured</b>	<b>White</b>					
<b>What is your province of origin</b>	<b>GP</b>	<b>LM</b>	<b>MP</b>	<b>FS</b>	<b>NW</b>	<b>NC</b>	<b>WC</b>	<b>EC</b>	<b>KZN</b>
<b>How many years have you been in the programme</b>	<b>0-5</b>	<b>5-10</b>	<b>10-15</b>	<b>15-20</b>					
<b>Are you admitted to the programme alone?</b>	<b>YES</b>	<b>NO</b>							
<b>Were you employed prior to your admission to the programme?</b>	<b>YES</b>	<b>NO</b>							

Topical questions

1. What did you know about the OWP before you were admitted to the programme?
2. Describe the role of the different role players in the OWP.
3. How did your life change when you became part of the OWP?
4. Tell me more about your experiences of being in OWP.
5. What challenges do you experience in OWP?
6. How do you cope with these challenges?

7. How can social workers assist you in coping with your experiences and challenges of being in the programme?
8. How can the OWP help you to reintegrate successfully into the community?
9. What are your suggestions on how the OWP can improve the programme in response to your challenges and for co-ordinated service delivery?

Researcher's observations \_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**INTERVIEW GUIDE FOR PROTECTORS**

Biographical questions

These questions are for statistical purposes only

Please tick the appropriate box

<b>Gender</b>	<b>Male</b>	<b>Female</b>							
<b>Age</b>	<b>25-35</b>	<b>40-45</b>	<b>50-65</b>						
<b>Race</b>	<b>Black</b>	<b>Indian</b>	<b>Coloured</b>	<b>White</b>					
<b>Your work station</b>	<b>GP</b>	<b>LM</b>	<b>MP</b>	<b>FS</b>	<b>NW</b>	<b>NC</b>	<b>WC</b>	<b>EC</b>	<b>KZN</b>
<b>How many years have you been in the employ of the OWP?</b>	<b>0-5</b>	<b>5-10</b>	<b>10-15</b>	<b>15-20</b>					
<b>How many witnesses do you protect at a time?</b>									

Topical questions

1. What did you know about the OWP prior to you being employed by the NPA?
2. Describe the role of the different role players in the OWP?
3. Tell me more about your experiences of being part of the OWP?
4. What challenges do witnesses experience in protection?
5. How do they cope with these challenges?

6. What are the reasons why witnesses leave the programme prematurely?
7. How can social workers assist witnesses in coping with their experiences and challenges of being in the programme?
8. How can the OWP help witnesses to reintegrate successfully into the community?
9. What are your suggestions on how the OWP can improve the programme in response to the challenges of witnesses and for co-ordinated service delivery?

The researcher's observations \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### INTERVIEW GUIDE FOR SOCIAL WORKERS

Biographical questions

These questions are for statistical purposes only

Please tick the appropriate box

<b>Gender</b>	<b>Male</b>	<b>Female</b>							
<b>Age</b>	<b>25-35</b>	<b>40-45</b>	<b>50-65</b>						
<b>Race</b>	<b>Black</b>	<b>Indian</b>	<b>Coloured</b>	<b>White</b>					
<b>Your work station</b>	<b>GP</b>	<b>LM</b>	<b>MP</b>	<b>FS</b>	<b>NW</b>	<b>NC</b>	<b>WC</b>	<b>EC</b>	<b>KZN</b>
<b>How many years have you been in the employ of the OWP?</b>	<b>0-5</b>	<b>5-10</b>	<b>10-15</b>	<b>15-20</b>					

Topical questions

1. What did you know about the OWP prior to you being employed by the NPA?
2. Describe the role of the different role players in the OWP?
3. Tell me more about your experiences of being part of the OWP?
4. What challenges do witnesses experience in the OWP?
5. How do they cope with these challenges?
6. What are the reasons why witnesses leave the programme prematurely?
7. How can social workers assist witnesses in coping with their experiences and challenges of being in the programme?
8. How can the OWP help witnesses to reintegrate successfully into the community?

9. What are your suggestions on how the OWP can improve the programme in response to the challenges of witnesses and for co-ordinated service delivery?

Researcher's observations \_\_\_\_\_

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**INTERVIEW GUIDE FOR SENIOR MANAGERS**

Biographical questions

These questions are for statistical purposes only.

Please tick the appropriate block:

<b>Gender</b>	<b>Male</b>	<b>Female</b>							
<b>Age</b>	<b>25-35</b>	<b>40-45</b>	<b>50-65</b>						
<b>Race</b>	<b>Black</b>	<b>Indian</b>	<b>Coloured</b>	<b>White</b>					
<b>How many years have you been in the employ of the OWP?</b>	<b>0-5</b>	<b>5-10</b>	<b>10-15</b>	<b>15-20</b>					

Topical questions

1. What did you know about the OWP prior to you being employed by NPA?
2. Describe the role of the different role players in the OWP?
3. Tell me more about your experiences of being part of the OWP?
4. What challenges do witnesses experience in OWP?
5. How do they cope with these challenges?
6. What are the reasons why witnesses leave the programme prematurely?
7. How can social workers assist witnesses in coping with their experiences and challenges of being in the programme?
8. How can OWP help witnesses to reiterate successfully into the community?
9. What are your suggestions on how the OWP can improve the programme in response to the challenges of witnesses and for co-ordinated service delivery?

Researcher's observations \_\_\_\_\_

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**ADDENDUM E:  
REQUEST TO CONDUCT RESEARCH IN OWP**



**Office for Witness Protection**



**INTERNAL MEMORANDUM**

Mpumalanga

Regional Office

Tel. 013 655 5960/2

Fax. 013 655  
5964/5

TO: MR. DAWOOD ADAM  
  
DIRECTOR -OWP

Cc Ms. ROCHEL BRENNAN  
  
ACTING REGIONAL HEAD-OWP

FROM: LUCY MPHAPHULI  
  
SOCIAL WORK MANAGER -OWP

SUBJECT: REQUEST FOR APPROVAL TO CONDUCT PhD  
RESEARCH IN OWP

DATE: 26 APRIL 2017

**Purpose**

The purpose of this memorandum is to seek permission to conduct a PhD research study in the OWP.

**BACKGROUND**

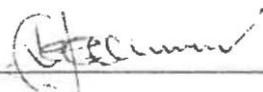
I am currently registered for PhD studies in Social Work with the University of South Africa. Since I started to work for the Office for Witness Protection in 2012, I have come to realise that the programme plays a pivotal role in the criminal justice system. However, it seems that there is a need for a co-ordinated approach in terms of service delivery to witnesses. Further, it appears that not much has been documented about the programme nationally because of lack of research and awareness on the existence of the OWP. Most of the

available studies were conducted outside South Africa. This creates a gap that needs to be plugged so as to pave the way for ordinary South Africans to access the programme with ease and to create awareness in communities. I wish to contribute to the body of knowledge in the field of social work. This will enable other countries to learn from South African best practices in relation to "what is witness protection and its role". The focus of my proposed study is on the experiences and challenges of witnesses in the witness protection programme in South Africa with a view to develop guidelines for coordinated service delivery by the OWP.

In terms of the University's guidelines for conducting research, my study will be subjected to the ethical principles of anonymity, confidentiality, informed consent, etc. In line with the OWP being a covert programme, I commit to manage data in accordance with the Minimum Information Security Standards Policy. In this regard I will also be issued with an ethical clearance certificate by the UNISA Departmental Research and Ethics Committee upon approval of my proposal.

At the completion of the study the OWP will be provided with a copy of the thesis.

Your favourable response will be highly appreciated.

  
 PFO  
 26/4/17

Approved 26/4/17  


NB: - If you need any old international info please let us know

Thank you

Lucy Mphaphuli

**ADDENDUM F:****PROOF OF ETHICAL CLEARANCE FROM THE UNISA DR&EC**

**DEPARTMENT OF SOCIAL WORK RESEARCH AND ETHICS  
REVIEW COMMITTEE**

11 December 2017

Ref#: R&EC: 26/10/17/3088 4551 1 1 Name of Applicant: Mphaphuli, LN Student#: 30884551
---

Dear Ms LN Mphaphuli

**DECISION: ETHICAL APPROVAL**

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Name: Ms LN Mphaphuli

Address & contact details: 20 Swartberg Road, Eastvalle,  
Springs, 1579

Cell phone number: 0768425544

Email address: [Lucy.mphaphuli@yahoo.com](mailto:Lucy.mphaphuli@yahoo.com)

Supervisor: Prof P Botha

Title of Proposal: EXPERIENCES AND CHALLENGES OF  
WITNESSES IN A WITNESS PROTECTION PROGRAMME  
IN SOUTH AFRICA:  
GUIDELINES FOR CO-ORDINATED SOCIAL WORK  
SERVICE DELIVERY

Qualification: Doctor of Social Work

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Thank you for the application for research ethics clearance by the Department of Social Work Research and Ethics Review Committee.

The application was reviewed in compliance with the UNISA Policy on Research Ethics by the abovementioned Committee at a meeting conducted on 26 October 2017.

Final approval is granted for the duration of the project.



University of South Africa  
Preller Street, Muckleneuk Ridgel City of Tshwane  
PO Box 392 UNISA 0003 South Africa

**UNISA**

On Rubric

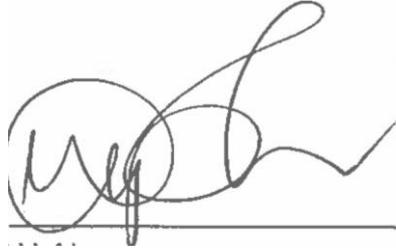
Telephone: +27 12 429 311

Facsimile: +27 429 12 429 4150

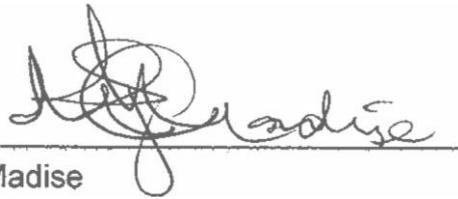
The proposed research may now commence with the proviso that:

- 1) The researcher will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics.
- 2) Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study, as well as changes in the methodology, should be communicated in writing to the Department of Social Work's Research and Ethics Review Committee. An amended application could be requested of there are substantial changes from the existing proposal, especially if those changes affect any of the study-related risks for the participants.
- 3) The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study.

Kind regards,



Signed by: \_\_\_\_\_ Date: 11  
December 2017  
Professor AH Alpasan  
Chair: Department of Social Work Research and Ethics  
Review Committee [alpasah@unisa.ac.za](mailto:alpasah@unisa.ac.za)



Signed \_\_\_\_\_ by: Date:  
11 \_\_\_\_\_ December  
2017  
Prof MPJ Madise  
Manager Postgraduate Studies: College of Human Sciences



University of South Africa  
Preller Street, Muckleneuk Ridge, City of Tshwane  
PO Box 392 UNISA 0003 South Africa  
Telephone: +27 12 429 3111 Facsimile: +27 429 12 429  
4150 [www.unisa.ac.za](http://www.unisa.ac.za)

**ADDENDUM G:  
DEBRIEFING LETTER**



The National Prosecuting Authority of South Africa  
Egunya jikeleEe Labetshutshisi boMzanfisi Afrika  
Die Nasioaale Vervoigigsgesag Suid-Afrika

**DEBRIEFING LETTER**

**TO WHOM IT MAY CONCERN**

My name is William Mncedisi Adams. I am a social work manager employed by the National Prosecuting Authority. I undertake to help the researcher Lucy Mphaphuli with debriefing during and after data collection of her PHD studies if a need arise.

A handwritten signature in black ink, appearing to read 'W Adams', is written over a horizontal line.

Thank you

My contact details are as follows

SACSSP NO: 10-22010

WAdams@npa.gov.za

012 845 6000

**ADDENDUM H:  
EDITORS' LETTERS**

*Margaret Grobbelaar  
Die Opstal 589 Opstal Street  
The Willows Pretoria 0041*

*Tel: (012) 807 1249  
E Mail: [mwmrg@iafrica.com](mailto:mwmrg@iafrica.com)*

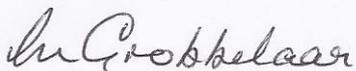
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**EDITING OF PhD THESIS: LUCY NTHEPA MPHAPHULI**

At the request of Ms Lucy Mphaphuli I have edited her DPhil thesis entitled: Experiences and challenges of witnesses in the witness protection programme in South Africa: guidelines for coordinated service delivery developed from a social work perspective.

It was not my responsibility to check for any instances of plagiarism. The editing entailed correcting spelling and grammar when necessary and ensuring consistencies in style and referencing method used. I have not altered the student's work in any significant way.

WHILST I HAVE EDITED THIS RESEARCH PROPOSAL TO THE BEST OF MY ABILITY, THE RESPONSIBILITY TO DO THE CORRECTIONS AND IMPLEMENT MY COMMENTS AND SUGGESTIONS CORRECTLY, REMAINS THAT OF THE STUDENT.



M GROBBELAAR  
25 October 2020

## EDITOR'S STATEMENT

18 November 2020

Client: Lucy Nthepa Mphaphuli (Student number: 30884551)  
Document type: DPhil dissertation  
Title: *Experiences and challenges of witnesses in the witness protection programme in South Africa: guidelines for coordinated service delivery developed from a social work perspective*  
Service rendered: Layout and Table of Contents

The edit I performed entailed correcting table layout and page numbers in the document, and included inserting a Table of Contents.

**It was not my responsibility to check for spelling and grammar errors, plagiarism, or consistencies in style and reference method used. I will not be held accountable for any errors in this regard.**

I did not check the validity or factual accuracy of the student's statements/research/arguments. Lastly, I was not tasked to check/edit the student's addenda/annexures.



Lindi De Beer

Contact Details:  
☎ 083 456 4358  
✉ [lindi@grammarsmith.co.za](mailto:lindi@grammarsmith.co.za)



GRAMMAR  
SMITH