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Advancing the recruitment of state witnesses through social work interventions: A South African perspective

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ABSTRACT

Protection of witnesses has gained prominence as a strategy to fight crime. While witness protection programmes have proven effective in helping individuals to testify without fear, many South Africans and social workers remain unaware of how such programmes work, whether they exist at all, or how to access them when their safety is at risk. The purpose of this article is to highlight the social work intervention strategies that can be integrated into the recruitment process. This qualitative study employed non-probability, purposive sampling to include 30 participants in the witness protection programme in South Africa. A collective instrumental case study design was used within the framework of exploratory, descriptive and contextual research. Data were collected using face-to-face interviews with an interview guide and analysed thematically. Four themes emerged from the process of data analysis, namely admission through the social workers, admission through the police officers, admission though the public prosecutors, and admission through self-referrals. This study hinges on crisis theory and coping theory. The results revealed that the involvement of social workers in the recruitment of witnesses enhances the admission process. The study recommends an integrative approach between the social workers, South African Police Service (SAPS) and prosecutors.

Keywords: admission of witnesses; criminal justice system; recruitment of witnesses; social work; state witness; witness protection programme

INTRODUCTION

Intimidation of witnesses is a serious problem and a threat to any government's pursuit of justice and protection of its citizens' human rights. The recent surge in crime in South Africa, together with the sophisticated methods of intimidation employed by the perpetrators of crime, make it difficult for the criminal justice system to secure successful convictions (Kayuni & Jamu, 2015). Although the South African Police Service (SAPS) do not have specific statistics on witnesses who were killed because of intimidation, 171 707 persons were victims of contact crimes such as murder, attempted murder, assault, robbery and sexual offences during the 2023/2024 reporting period, according to the SAPS annual report (2024). Intimidation often includes direct or indirect threats by the perpetrators or their associates, such as assault, damage to property, murder and emotional manipulation (Vincent, 2016). Furthermore, technology makes cyberbullying easy, especially because most of the widely used social media platforms are not strictly regulated by the law (Bakowski, 2013). The South African criminal justice system, specifically the law of evidence, for example, requires that criminal cases be proven beyond a reasonable doubt, unlike civil matters that need to be proven on a balance of probabilities (Newham, 1995). This often requires evidence such as the testimony of an eyewitness, ballistic evidence, analysis of medical records, analysis of the crime scene and cell phone records, to mention a few (Schwikkard & Mosaka, 2023).

The violent nature of criminal activity drives witnesses to fear and silence, while some are often murdered. An example of this was seen in the murder of Babita Deokoran, who was killed after reporting corruption in the Department of Health in South Africa (Cruywagen & Heywood, 2021). Incidents of this nature discourage witnesses from reporting crime because of fear of retribution. Intimidation leads to criminal cases being withdrawn from court as witnesses are afraid to cooperate with the police and the prosecutors (Heffer & Willoughby, 2017). Some recent prominent cases in South Africa include the George Geweld Thomas case, a leader of the 28s gang who, during his five-year trial for multiple gang activities in 2015, during which 11 witnesses were murdered and the remaining 13, with 18 dependants among them, being placed under witness protection (Tswanya & Villette, 2015). Another significant case is that of Yanga "Bara" Nyalara and Wanda Tofile, who faced 12 charges of murder and six of attempted murder in 2023. The two co-accused were acquitted of all charges after two witnesses were murdered and the third, who survived numerous assassination attempts, testified through CCTV, wearing a face mask because of fear of retribution (Tshwete, 2023). Christine Gumira, a Zimbabwean national, is another witness who had agreed to testify in favour of the state. She was gunned down shortly after appearing in the Wynberg magistrate's court in 2023 (Ludidi, 2023). These cases underscore the devastating impact of intimidation and witness killings as well as the importance of protecting witnesses through the witness protection programme. Sometimes, innocent persons are hit by stray bullets, meaning that no one is safe on the streets. An example of this was witnessed in Athlone, South Africa, where an innocent bystander, a Grade 11 schoolgirl, was hit and killed by a stray bullet during a gunfight between rival gangs (Serra & Lukas, 2024).

Widespread criminal activity that goes unpunished leads to society losing confidence in the government's ability to fulfil its duty of ensuring law and order (Mahony, 2010). Protection of

witnesses, therefore, serves not only to guarantee successful prosecution, but also to ensure the integrity of the criminal justice system (Kariri & Salifu, 2016). The protection of witnesses is thus one of the foundations of an effective criminal justice system, without which securing successful convictions and maintaining the rule of law remains a daunting task for the government (Aziz, 2025).

It is for this reason that South Africa, along with many other countries, has adopted the protection of witnesses as a strategy to ensure successful prosecutions and to curb criminal activity (Dulume, 2016). The South African witness protection programme consists mainly of two components, the physical protection and the witness assistance programme, which entails the provision of psychosocial services, among other services necessary to support witnesses (Fery, 2012). Psychosocial services, provided by social workers, focus on counselling and therapy, trauma debriefing, access to medical care, financial support, familiarising a witness with courtroom procedures and protocols, accompanying witnesses to court, and job placements (Trotter, 2011). It is thus important that the intervention of social workers in the programme should not only focus on the witnesses who are already admitted into the programme, but also extend into the recruitment and admission phase. Active involvement of social workers in the identification of vulnerable witnesses, recruitment and admission can assist in spreading information about the programme, because social workers are often the first level of contact in communities where potential witnesses can be identified.

This study sought to answer the following research question: how can social workers enhance the recruitment and admission process of witnesses into the witness protection programme? While there is no doubt about the important function of the South African witness protection programme, there seems to be a gap in the literature in terms of understanding its accessibility. It appears that many people who are eligible for admission into the programme do not apply for protection simply because they do not know of its existence or the admission processes (Beune & Giebels, 2013). This lack of knowledge leads to criminal cases being withdrawn in court because eyewitnesses are not available (Beqiri, 2018). Lack of prosecution of serious and violent cases leads to lawlessness and impunity for committing crimes, and it compromises the integrity of the criminal justice system. Because the protection of witnesses play an important role in fighting crime, it is important that interventions by social workers are integrated into the programme, identifying vulnerable witnesses as well as advocating for their right to protection (Beqiri, 2018). Another challenge facing the South African witness protection programme is the shortage of social workers. The programme has only four social workers who are responsible for rendering psychosocial services to witnesses nationally. If this shortage is addressed, the number and quality of interventions that social workers are able to provide to witnesses may be improved. There is a huge discrepancy in the crime statistics provided by the SAPS during the 2023/24 financial year in comparison with the number of witnesses protected in the programme during the same period. SAPS, for example, reported 162 206 contact crimes, while only 489 witnesses were protected in the programme according to the NPA annual report (National Prosecuting Authority, 2024). This may be attributed to the lack of knowledge about, and the covert nature of, the witness protection programme (Beune & Giebels, 2013).

The studies available on witness protection focus on the success stories and the history of the protection programmes, such as the study by Kariri and Salifu (2016) in South Africa that examined the success rates of prosecutions linked to the testimony of protected witnesses. Demir (2018) conducted an evaluative study on the operational efficacy of the witness protection programme, reporting a remarkable outcome of no recorded fatalities among witnesses under active protection. Mujkanovic (2014) explored the broader psychosocial ramifications of criminal activity on witnesses, emphasising the critical role of comprehensive support systems in mitigating threats to their safety and psychological wellbeing. Mack's (2014) study in the USA focused on the statistics of witnesses and their families who were successfully protected by the protection programme, Lecolle (2023), on the other hand, highlighted the significance of collaboration between the International Criminal Court and different countries in terms of the relocation of witnesses, while Beune and Giebels (2013) recorded the importance of the provision of psychosocial support for witnesses to help them deal with social distress as a result of relocation, social uprooting and the sense of separation that witnesses experience when they leave their families behind to join a protection programme.

This study, therefore, seeks to bridge the gap in the literature by highlighting various ways of applying for protection, focusing on social workers' interventions in the recruitment of witnesses in the witness protection programme in South Africa, as provided for in the Witness Protection Act 112 of 1998 (Republic of South Africa [RSA], 1998).

CURRENT BACKGROUND OF WITNESS PROTECTION (INTERNATIONAL AND SOUTH AFRICAN CONTEXT)

The protection of witnesses is necessitated by the growing trend in organised crime, terrorism and human rights violations (United Nations Office on Drugs and Crime [UNODC], 2008). Witness protection is recognised globally as a strategy to fight crime, founded on and supported by international and regional laws, guidelines and organisations which provide for the establishment of protection measures (Council of Europe, 1999). These include Article 68 of the Rome Statute, the United Nations Convention Against Transitional Organised Crime and the Good Practices for the Protection of Witnesses in Criminal Proceedings (UNODC, 2004), the European Convention on Mutual Assistance in Criminal Matters of (Council of Europe, 1959), the European Police Office (EUROPOL) and the International Criminal Police Organisation (INTERPOL), as well as the African Union Model National Law on Universal Jurisdiction over International Crimes, to mention a few. In South Africa, the witness protection programme is housed under the National Prosecuting Authority (NPA), established in terms of the Witness Protection Act (RSA, 1998).

The history of witness protection dates back to the 1960s. The first witness protection programme, known as the Federal Witness Security Programme (WITSEC), was established in the USA by the then Attorney General (Earley & Shur, 2003). The protection of witnesses has since become a prominent feature of law enforcement, with many countries in the world opting to establish protection programmes to fight crime (Dulume, 2016). Different countries implement the protection programme differently, depending on their domestic legislation. For example, Canada and Australia run federal programmes, while the United Kingdom and Germany implement regional programmes (Bakowski, 2013). In Turkey, the Anti-Terror Law

(Republic of Turkey, 1991) makes provision for witnesses to deliver testimony in camera, while in South Africa, witnesses testify in an open courtroom**.** In Italy the offender who turns state witness goes through prosecution and, if found guilty, serves one-quarter of the sentence imposed, or 10 years in the case of a life sentence (Bakowski, 2013). In the USA, on the contrary, a state witness is not prosecuted, meaning they are granted a pardon by virtue of cooperating with officials and giving testimony in court (Mahony, 2010).

In terms of admission requirements, in Peru, admission to the programme is prioritised for witnesses of crimes such as genocide and crimes against humanity (Beune & Giebels, 2013). Croatia, the Netherlands and Hong Kong focus on witnesses linked to dangerous crimes and organised crime (Appleyard, 2011). Protection in the Philippines is reserved for witnesses of grievous felonies; Albania, on the other hand, focuses on witnesses of drug trafficking, organised crime and prostitution (Beqiri, 2018). In South Africa, admission is regulated by Section 7(1) of the Witness Protection Act, 112 of 1998 (RSA, 1998). The Act makes provision for a list of 19 crimes that qualify witnesses to be considered for protection, such as corruption, sexual offences, kidnapping, defeating the ends of justice, perjury, treason, sedition and murder. South Africa not only caters for witnesses who give testimony in courts, but also those who do so as part of other judicial processes, such as commissions of inquiry (Beune & Giebels, 2013).

African countries appear to be struggling to establish witness protection programmes. The state of the protection programmes in Africa can be attributed to a lack of skills as well as a shortage of funding and failure of political will (Kariri & Salifu, 2016). South Africa was the first of the 54 African countries to establish a witness protection programme, followed by Kenya and Rwanda (Kariri & Salifu, 2016). At the time of conducting this study, only these three African countries had formal protection programmes. In some countries initiatives to protect witnesses through formalised programmes are in their initial stages; for example, Morocco, Mozambique and Cabo Verde have witness protection legislation in place, but they still need to embark on the establishment of the programmes, while Egypt, Tanzania, Namibia, Ghana and Uganda have draft legislation that needs to be adopted into law (Kariri & Salifu, 2016).

There are different categories of witnesses. A witness is generally anyone who is willing to give evidence in the judicial process, a person who has the capacity to testify in terms of their mental status, who has witnessed crime or who has knowledge of facts or actual circumstances that constitute evidence (UNODC, 2008). Some witnesses are innocent bystanders, the victims of crime, informants or whistle-blowers (Demir, 2018). A witness can also be a person who is implicated in the commission of a crime, but who elects to become a state witness and to give testimony against his or her associates. In South Africa, this is made possible through section 204 of the Criminal Procedure Act 51 of 1977 (RSA, 1977). An example of this can be seen in the case of Joslin Smith, when one of the accused, Lorentia Lombard, turned state witness (Erasmus, 2025). This means a witness is granted indemnity from prosecution in exchange for truthful testimony. Other categories of witnesses are admitted in terms of Section 7(1) of the Witness Protection Act (RSA, 1998).

There are alternative means of protection available globally, outside of the witness protection programme, that can be employed by police officers in ensuring witness safety (Nesengani,

2012). Alternative methods of protection are useful for witnesses who are intimidated, but who can survive outside of the protection programme (Dworzecki, 2018), such as effective policing, empowering witnesses to protect themselves, close protection and procedural measures (Rujan, 2014).

Witnesses who cannot be protected using alternative measures are protected by means of admission to the witness protection programme. Admission to the programme means that the witness is removed from their home, placed in a safe house where they are protected and escorted to court (Kaur, 2011). In some instances, a change of identity is required as another layer of protection (Beqiri, 2017). Admission to the programme comes with a myriad of challenges, such as social uprooting, separation, isolation and restricted movement (Stepakoff et al., 2017). The sudden life changes that a witness experiences can lead to stress, anxiety and depression. It is in this context that social work services are required to help witnesses to adjust to their new living arrangements as well as to deal with the trauma of witnessing crime, most of which is violent (Beune & Giebels, 2013). This study, therefore, was conceptualised based on crisis theory and coping theory to arrive at a better understanding and interpretation of the challenges that witnesses go through and how they cope. The two theories are discussed in detail in the next section of this article.

The USA model of protection (WITSEC), although it has its challenges, is considered effective in terms of best practice (UNODC, 2008). Some of its highlights are a fully-fledged psychosocial programme rendered to witnesses by a multi-disciplinary team and change of identity for all witnesses who enter the programme (Council of Europe, 1999). Protection of witnesses continues even after the witness is discharged from the programme and all witnesses receive financial support until they secure jobs, as the programme plays an active role in job placements of former witnesses. Although the USA it is a first-world country that has the economic means to implement such successful programmes, South Africa can learn a lot from the USA model of protection.

STRENGTHENING WITNESS PROTECTION THROUGH SOCIAL WORK INTERVENTIONS FOR IMPROVED JUSTICE OUTCOMES

Witness protection is not only about the physical aspect of protection, people who go into the programme also require many other services, such as psychosocial services, to address the challenges they experience both within and outside of the programme (Trotter, 2011). Psychosocial services in the programme are rendered by a team, including social workers. Such services include assessment, counselling, therapy, trauma debriefing, financial support and access to medical care (Demir, 2018). Counselling and therapy are necessary to help witnesses to heal from the trauma induced by crime in preparation for trial as well as learning to cope with the isolating effect of the programme (Dulume, 2016). Some witnesses require assistance to find jobs, while school-going children need to be assisted with enrolment in schools. Witnesses also need support to make sense of the drastic changes in their lives, such as leaving their family and friends behind and having to adjust and cope in unfamiliar environments, where they do not have the immediate support of people they know (Dandurand & Farr, 2010). According to Stepakoff et al. (2017), witnesses find it difficult to focus on preparing to deliver testimony in court until their psychosocial issues are addressed, as they first need to attain

psychological stability. Vincent (2016) asserts that providing psychosocial support for witnesses helps them to cope and settle in the programme, so that they may focus on their court appearance and ultimately help to achieve successful prosecutions. Living in fear of being recognised by someone who knows them is another source of stress for witnesses. The idea of meeting the perpetrators of crime in court, against whom they are going to testify, is enough to unsettle the witness (Beqiri, 2017). All these challenges, if not addressed sufficiently, can affect the witness's ability to adjust to the programme and to deliver effective testimony in court (Matthias, 2011). It is for this reason that the UNODC (2008) calls for witness protection programmes across the world to prioritise the provision of psychosocial services for witnesses in protection programmes (Dulume, 2016).

The provision of social work services is therefore necessary from the time of recruitment, admission and throughout the witness's stay in the programme (Stanica & Coman, 2014). The narrower focus of this article, however, is on the involvement of social workers in the recruitment of witnesses in the witness protection programme in South Africa. This study provides new information on how social workers can share information, create awareness, identify vulnerable witnesses and assist them to apply for protection, with the goal being to fight crime and protect human rights.

THEORETICAL FRAMEWORK

This study is grounded in Caplan's crisis theory (1964) and Lazarus's coping theory (1993), as both are particularly relevant to the recruitment, admission and experiences of witnesses in a witness protection programme. Witnesses encounter a crisis that necessitates their protection and requires coping mechanisms from them to adapt to a new environment. Crisis theory helps to analyse the experiences of witnesses under protection, shedding light on the threats they face and their strategies to manage the associated anxiety and stress. It also provides a framework for social workers' interventions in assisting witnesses to navigate these crises.

Stressful events in daily life can lead to a crisis when they surpass an individual's capacity to cope (Lazarus & Folkman, 1984). Failure to manage a crisis may result in feelings of inadequacy, anxiety, helplessness and difficulty in functioning optimally (Caplan, 1964). Topper and Lagadec (2013) highlight that the inability to function effectively, loss of stability and insecurity intensify a crisis. Witnesses of crime face such crises because of threats to their lives, compounded by the psychological strain of adjusting to the new living conditions in the programme (Montanino, 1984).

Coping is integral to witnesses' ability to adapt to their new environments and manage trauma. Lazarus (1993) describes coping as a dynamic process influenced by the context, level and duration of the crisis. Effective coping reduces psychological distress and enhances functioning (Folkman & Moskowitz, 2004). Witnesses may employ multiple coping strategies depending on their circumstances. However, the lack of personal resources, such as optimism, resilience and social skills, can hinder coping efforts (Krohne, 2002). The UNODC (2008) emphasises that witnesses' coping abilities significantly impact on their ability to adapt in protection programmes.

The interplay between crisis theory and coping theory provides valuable insights for understanding and addressing the challenges witnesses face outside and inside of the protection programmes, enabling tailored social work interventions to support their recruitment and wellbeing.

RESEARCH METHODOLOGY

This qualitative study was conducted with the aim of highlighting the nature of social work interventions in enhancing the recruitment of witnesses into the witness protection programme in South Africa (Merriam & Tisdell, 2016). The researcher obtained permission to conduct the study from the head of the witness protection programme. Some of the conditions of the permission included that the research outcomes will not reveal the identity of the witnesses and the location of the safe houses, in fulfilment of the provisions of the Minimum Information Security Standard policy (National Intelligence Agency, 1996) on information management. Ethical clearance was also obtained from the University of South Africa's Departmental Research and Ethics Committee (DREC) with clearance number Ref: R&C:26/10/17/3088455111.

A collective instrumental case study design was used within the framework of exploratory, descriptive and contextual research (Marshall & Rossman, 2016). The population of the study were all protectors, witnesses, social workers and senior managers in the programme, from the nine provinces of South Africa. Witnesses are persons who had been admitted into the programme at the time of conducting the study. The population of witnesses was 389 from the nine provinces. Protectors are officials who are entrusted with the day-to-day physical protection of witnesses. There were 79 protectors from the nine provinces. The programme had three senior managers stationed at the head office, who are responsible for the policies that regulate the protection of witnesses. At the time of conducting this study, the programme had only three social workers, excluding the researcher, who were responsible for rendering services in all nine provinces. Although the aim of the study was to examine how social workers can enhance the recruitment of witnesses into the programme, it was also necessary to interview protectors, senior managers and witnesses to strengthen the reliability of the study (Shaw & Holland, 2014). The sample was drawn from six provinces, namely Gauteng, Limpopo, Mpumalanga, KwaZulu-Natal, Eastern, Cape and Northern Cape. The reason for selecting the six provinces was to facilitate access from the researcher's home in Gauteng. The decision not to include all provinces did not compromise the data collected as the programme operates from the national office and all provinces function in the same manner with the same standard operating procedures. The profile of the participants is discussed below.

The age of participants, including both staff members and witnesses in the programme, ranged between 25 and 49 years. The racial composition of the 18 staff members included eight black, five white, three Indian and two Coloured (mixed race) individuals. Gender distribution among staff was predominantly male, with four females. Their tenure within the programme ranged from six to fifteen years. The witness group consisted of six black, four coloured and two Indian individuals, with a gender distribution of eight males and four females. At the time of their admission into the programme, five witnesses were employed, while seven were unemployed. Their duration in the programme spanned three to five years, with eight having been enrolled

for three years, three for four years, and one for five years. Additionally, eight witnesses were accompanied by a significant other, whereas four were in the programme alone.

The gatekeepers were the provincial managers of witness protection in the six provinces who helped with the identification of witnesses. Staff members were identified by the researcher. The 30 participants who met the criteria of inclusion were recruited using non-probability, purposive sampling (Shaw & Holland, 2014). The inclusion criteria for both staff and witnesses were that they had been involved in the programme for a minimum of three years. Staff members were further required to have direct engagement with witnesses, and only individuals with whom the researcher had no prior professional relationship were considered. This approach was adopted to minimise potential bias and to ensure the authenticity of the data collected.

Participants received letters explaining the purpose of the study as well as an invitation to take part in the study. Some of the information included in the letter highlighted that their participation was voluntary and that they had to sign informed consent forms. This process was followed by a pilot study to evaluate the interview guide. One protector and one witness were interviewed. The interviews were digitally recorded and transcribed (Merriam & Tisdell, 2016). The two participants and the results of the pilot study did not form part of the main study (Marshall & Rossman, 2016). The results suggested that the questions did not yield sufficiently rich and relevant data. This led to some of the questions being refined to ensure that the interviews produced sufficient and relevant information (Klerk & de Klerk, 2020). Some of the questions that were refined were: Do you think ordinary South Africans know about the programme? What challenges do witnesses experience in relation to adjusting to the programme? How were you admitted into the programme?

The pilot study was followed by a full-scale study; semi-structured face-to-face interviews based on a guide (Marshall & Rossman, 2016) were used to collect data, and data saturation was reached after 30 interviews, conducted with 18 staff members and 12 witnesses. The interviews were digitally recorded with the permission of participants. A consent form was signed during data collection. Some of the questions posed to participants included the following questions for witnesses: What did you know about protection before you joined the programme? How did you apply for protection? Do you think there is sufficient awareness about the existence of the programme in the community? What challenges did you experience in accessing the programme? How can social workers help potential witnesses to access the programme? What are your suggestions on how the programme can improve in response to your challenges? Questions for staff members included: What is your view about the knowledge of witnesses regarding the existence of the programme and how it can be accessed? What challenges do you think witnesses experience in accessing the programme? How can social workers help witnesses to access the programme? What are your suggestions on how the programme can improve in response to the challenges of witnesses? The participants were interviewed individually. The witnesses were interviewed at their safe houses and staff members at their offices. The recorded interviews were transcribed and an independent coder was engaged to analyse the data thematically and identify themes guided by the eight-step framework for qualitative data analysis outlined by Tesch (Creswell, 2014). The researcher

also conducted a parallel analysis, and themes were consolidated during a consensus discussion. Table 1.1 gives an account of the process of data analysis.

Table 1.1: ***Data-analysis process***

Reviewing all transcripts for an overview	The researcher began by thoroughly reviewing each transcript individually to gain an understanding of the entire data set, focusing on the experiences and challenges faced by witnesses in accessing the witness protection programme in South Africa.
Identifying key topics	During the review of the transcripts from the four population groups, the researcher made notes in the margins, highlighting key ideas and underlying topics. This method was applied consistently across all transcripts.
Developing categories	After examining several transcripts, the researcher started identifying themes by compiling topics into columns and subsequently grouping similar topics under headings that represented broader themes.
Assigning codes to topics	The researcher started coding by abbreviating the themes, leaving room for potential new themes, and revisiting data groups to continue the coding process.
Transforming topics into themes	This stage involved grouping related themes into broader categories while also identifying sub-themes. Duplicate entries were removed, and abbreviated codes were added next to the relevant data segments corresponding to each topic.
Look for patterns and connections	The researcher then examined relationships between categories and codes to uncover deeper insights. This step involved interpreting the data to identify trends, contrasts and linkages.
Performing initial analysis	A preliminary analysis was conducted by organising the data into categories, focusing on their meaning. Irrelevant data were excluded, and related information was grouped under the appropriate theme or sub-theme.
Evaluating the need for further coding	Upon reviewing the themes and sub-themes, the researcher concluded that no additional coding was required.

Data verification was done using Lincoln and Guba's (1985) criteria for trustworthiness to ensure rigour, focusing on confirmability, credibility, transferability and dependability. Triangulation was employed by contrasting and corroborating data from multiple sources, specifically the four participant groups, supplemented by information from relevant literature. Peer review was used to evaluate both the data and the methods of collection (Marshall & Rossman, 2016). Thick descriptions, including direct quotations from transcripts, were used to present the study findings (Merriam & Tisdell, 2016). Regarding dependability, peer scrutiny and triangulation were relied on. Transferability was ensured through a comprehensive account of the research methodology (Bless et al., 2013). The researcher observed the principle of reflexivity by employing bracketing to mitigate personal biases, acknowledging that the study took place in a familiar environment. This approach helped in setting aside the researcher's

own perspectives and knowledge of the protection programme and focusing solely on the participants' viewpoints to maintain impartiality, honesty, self-reflection and an awareness of one's own motives for conducting the research (Creswell, 2014). In terms of the ethical considerations, the principles of informed consent, confidentiality, anonymity, information management and minimising potential harm were observed (Yates & Leggett, 2016). Participants were debriefed after interviews to ascertain if they needed counselling. A qualified social worker was on standby to provide counselling for participants; however, none of the participants expressed a need for counselling. In line with preserving confidentiality and anonymity, pseudonyms were used to protect the identity of the participants.

Data were kept in a safe with access limited to the researcher (Beqiri, 2017). In terms of ensuring beneficence and avoiding deception, the researcher explained the purpose of the study to the participants, including that their participation will not yield personal, direct and immediate benefits. In fulfilment of the principle of information management, participants were interviewed individually, raw data were secured in line with the Minimum Information Security Standards Policy (National Intelligence Agency, 1996) and digital copies were protected with a password.

RESEARCH FINDINGS

Four themes emerged from the process of data analysis, namely admission through the social workers, admission through the police officers, admission through the public prosecutors, and admission through self-referrals. The views of participants confirm that social workers' participation in the recruitment of witnesses is important in creating awareness and enhancing the programme.

Theme one: Admission through the social workers

Social workers, as advocates for human rights, can contribute towards enhancing the recruitment and admission of witnesses. They work to ensure access to resources such as housing, food, health care and protection (Vergottini & Weyers, 2020). They also teach marginalised communities about their rights, promote policy changes and increase the participation of people in matters that affect them. They can identify challenges through assessments and recommend appropriate interventions. In the context of witness protection, social workers are mostly the first level of contact in the community when witnesses experience intimidation (Gherardi & Whittlesey-Jerome, 2018). They are well positioned to create awareness about available resources and services, such as protection through the witness protection programme (Mujkanovic, 2014). The views of the participants recorded below, in responding to the question "How can social workers help potential witnesses to access the programme?", suggest that social workers' involvement is important in the recruitment and admission of witnesses into the witness protection programme.

> *Social work is a very important function when it comes to managing the protection of witnesses. We are supposed to take seriously the recommendations of a social worker. In some countries the social worker even 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 and interventions.* (Obed)

> *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 for purposes of admission requirements.* (Tshepo)

> *I think contact between the social workers and witnesses should start during admission. Especially women who come to the programme with their children need that support.* (Tebogo)

The views of participants about the importance of social work services pertaining to the support of witnesses are echoed in Section 7(1)(iii) of the Witness Protection Act 112 of 1998, which makes provision for a registered social worker to support and assist witnesses to apply for protection. Social workers are positioned to interact with members of the community who have witnessed crime, been threatened or intimidated (RSA, 1998). This enables them to identify potential witnesses through their engagements with clients who make use of their services through psycho-social assessments (Bendo, 2015). In collaborating with other professionals and service providers, such as schools, churches and health care facilities, social workers are positioned to enhance awareness and sensitise teachers, religious leaders, and healthcare practitioners to recognise intimidated witnesses and ensure appropriate referral mechanisms are enacted (Demir, 2018). This type of collaboration will serve to ensure that members of the community who need protection do not fall through the cracks.

Once potential witnesses are identified, social workers can provide counselling and educate these witnesses about the importance of applying for protection, which lies in the ability to deliver testimony in court without fear of intimidation (Fery, 2012). Social workers can also enlighten witnesses about how the programme functions, so that witnesses can make informed decisions and will know what to expect when they apply for protection (Kaur, 2011). They are also able to help witnesses with their adaptation and to develop coping skills, arrange relocation plans such as obtaining transfer documents for school-going children, as well as making the necessary arrangements for witnesses who are employed (Stepakoff et al., 2017).

It is important for social workers to adequately prepare witnesses, through psycho-social interventions, to understand the implications of being admitted to the programme, such as possible separation from their loved ones, and the stress and anxiety that come with delivering testimony in court (Beune & Giebels, 2013). Mahony (2010) asserts that giving testimony in court is a daunting task for witnesses which can lead to uneasiness and fear. The literature suggests that most witnesses experience mental distress because of fear of retribution, crime-induced trauma and uncertainty about their safety prior to being admitted to the programme (Beune & Giebels, 2013; Council of Europe, 2011; Dandurand & Farr, 2010; Dulume, 2016; Fery, 2012**)**. Vincent (2016) posits that a decision to enter the witness protection programme is a big one and should not be taken lightly; therefore, witnesses need to be supported through the process of admission and recruitment. In fulfilling this critical task, social workers ensure that witnesses are well supported and enabled to make informed decisions about their protection.

Theme two: Admission through the police officers

Witnesses who are intimidated can approach any police officer, especially the investigating officer, for assistance to apply for admission into the witness protection programme. Police officers are also at the point of first contact with potential witnesses after a crime is committed (UNODC, 2008). As they go about investigating the scene of the crime, they are likely to meet possible eyewitnesses. It is at this stage that they can assess the nature of the crime and the likelihood that eyewitnesses might experience intimidation (Khan, 2013). After conducting their assessments and securing witness statements, police officers can determine the level of threat towards the victims and survivors of crime as well as witnesses who are mostly innocent bystanders. This is done through what is commonly known as threat assessment (Dandurand & Farr, 2010). The outcomes of the threat assessment help to determine the type of the protection plan to be implemented as well as appropriate support for the witness (Vincent, 2016). After identification of possible witnesses and the evaluation of the evidence available, the police have a duty to provide initial support and guidance by explaining the benefits of the witness protection programme (Fery, 2012). The police also provide support to the eyewitnesses by prioritising the investigation and collecting valuable evidence that will support the witness's testimony in court as well as strengthen the motivation for witnesses to be admitted into the programme (Demir, 2018). Furthermore, police officers can also assist witnesses with transportation between their homes and the police station while the threat assessment process is underway, assisting witnesses to apply for legal representation where necessary and providing temporary relocation and referring witnesses to counselling and trauma debriefing, if needed (Appleyard, 2011). Below are the responses of witnesses to the question "What did you know about protection before you joined the programme?"

> *I always saw this on TV; I never knew that this was happening in South Africa. Before we got onto the programme, the Hawks* [the Directorate for Priority Crime Investigation] *told us that we had an option to be protected in witness protection because the case that I am involved in is very dangerous.* (Vela)

> *To be honest I did not know anything about witness protection. I could have died. One of the guys from the Hawks recommended the programme to me, that is when I started to know what this programme is about.* (Dakalo)

> *We have established a link with all the detective academies nationally where we do presentations about witness protection. One of the aspects in the presentation is the admission requirements and contact numbers of the regional management.* (Obed)

Most of the witnesses interviewed for this study indicated that they were assisted by a police officer, who made them aware of the programme and advised them to consider applying for protection because of the high level of threat and danger associated with the crime that they had witnessed.

Section 7(1) of the Witness Protection Act (RSA, 1998) provides for the admission into the programme of witnesses, such as innocent bystanders and victims of crime; however, some of the witnesses are admitted into the programme in terms of section 204 of the Criminal Procedure Act (RSA, 1977). Most of this latter cohort of witnesses are recruited from prison,

because of their participation in the commission of crime. This means that such witnesses have already been arrested for their part in committing the crime concerned and they opt to testify against their associates to secure a pardon or reduced sentence (Dandurand & Farr, 2010). Such witnesses are at liberty to approach the investigating officer, the head of prison where they are incarcerated, or the social worker who works in a prison facility to request assistance with the application for protection. One of the requirements for approval is that the offender should provide a signed affidavit with sufficient evidence to secure a conviction and be willing to give testimony in court.

> *Before I came here my life was in danger. There is someone who was ready to poison my food. I could have died in prison if I did not come to the programme.* (Isaac)

Isaac is a witness who was admitted to the programme in terms of section 204, which means that he had already been arrested for his part in the commission of a crime. Perpetrators of crime are determined to evade prosecution and they are prepared to intimidate witnesses, regardless of whether such witnesses are at home or in prison (Kayuni & Jamu, 2015). The threat of harm is even higher for a perpetrator who turns state witness, because their testimony is likely to be more accurate, not only because they provide evidence, but also because they can expose the motive behind the crime (UNODC, 2008).

Police officers also have a duty to provide a temporary means of protection while the witness's application for the witness protection programme is being processed. By working closely with the administrators of the protection programme, the police can ensure that the admission process is efficient, as well as ensuring that the witness's needs and preferences are met prior to being admitted to the programme (Mujkanovic, 2014).

Theme three: Admission through the public prosecutors

Like social workers and police officers, prosecutors have a role to play in the recruitment, admission and protection of witnesses in the protection programme. Organisations such as the African Prosecutors Association (2003) and the East African Association of Prosecutors (1995) support the involvement of prosecutors in the protection of witnesses. The aim of these organisations is to facilitate the exchange of knowledge, build trust and sharing of good practice regarding investigations, prosecution of serious crimes, such as human trafficking, at the regional and inter-regional levels, as well as the protection of state witnesses (UNODC, 2008).

In some countries, witness protection programmes fall under the mandate of the police, while others rely on the prosecutorial departments to manage the programme (Beune & Giebels, 2013) in the UK, Slovakia and Australia, for example, the programme is managed by the police department. In the Netherlands it falls under the judiciary and Belgium relies on a multidisciplinary body (Bakowski, 2013). In South Africa, the Witness Protection Act (RSA, 1998) establishes the programme under the Department of Justice. The current programme in South Africa is a function of the NPA, which itself is a programme of the Department of Justice (Mahony, 2010). This theme emanated from the following question posed to both witnesses and staff members: "How did you apply for protection?" Lufuno, quoted below, is a participant who was referred to the programme by the prosecutor handling his case.

> *I didn't know about protection; I was informed by the prosecutor who made me aware that I could come to the programme.* (Lufuno)
>
> *People out there do not know about our programme; some of them only finds out when they get to court … because their lives are in danger.* (Warona)
>
> *Witnesses think witness protection is about what they see on TV, which is misleading. Some prosecutors who refer witnesses to us also don't have finer details of how the programme functions … this creates problems as witnesses come here with unreasonable expectations.* (Lerato)

From time to time, the courts and the public prosecutors experience the challenge of serious cases that are removed from the court roll because of lack of evidence (Bhuckory, 2013). This is because, where intimidation is successful, witnesses tend to withdraw criminal charges, retract statements or simply refuse to attend court proceedings (Heffer & Willoughby, 2017). It is therefore in the interests of justice for public prosecutors to be able to identify witnesses who are vulnerable to intimidation and assist them to apply for protection, to counteract the purpose of intimidation, which is to discourage witnesses from testifying and so undermine the criminal justice system and the rule of law (Kariri & Salifu, 2016). The intervention of public prosecutors is necessary as it is possible that some witnesses will not have had any interaction with the social workers and the police officers prior to their first appearance in court. It is the second level of intervention to ensure that witnesses who were not identified at the community level are not lost in the system between the investigation and the prosecution processes.

The duty of public prosecutors in the recruitment and admission of witnesses is enabled by Section 7(1)(iv) of the Witness Protection Act (RSA, 1998). They have the responsibility to evaluate the credibility and significance of the witness's evidence and decide if that evidence can assist in securing a conviction (Fery, 2012). This includes the identification of possible threats to the safety of the witness and their family. Besides recommending witnesses for admission to the witness protection programme, public prosecutors can implement procedural measures (Tekin, 2015). Procedural measures are ways and means used inside the courtroom to conceal the identity of the witness, such as using a pseudonym instead of the witness's real name, using written pre-trial statements instead of verbal, face-to-face testimony, shielded testimony, such as the use of one-way mirror rooms, audio link conferencing, voice distortion and restricted media access to the courtroom (Nowroz, 2015). An example of this was seen in the trial of the soccer star, Senzo Meyiwa, at the North Gauteng High Court in South Africa, where the media were not allowed to publish visuals of the witnesses testifying in court (Koka, 2023).

By fulfilling this role, public prosecutors can ensure that witnesses are protected from intimidation and that the courts are able to secure successful convictions, especially in cases of serious and violent crimes (Vincent, 2016).

Theme four: Admission through self-referral

The Witness Protection Act 112 of 1998 makes provision for vulnerable and intimidated witnesses to make an application for protection directly to the Director of the witness protection programme in South Africa (RSA, 1998). This, however, can be a challenge as the protection programme is not well known to ordinary South Africans (Kaur, 2011). This is because witness protection programmes ordinarily operate on a covert basis (Dandurand & Farr, 2010). Its operations are kept a top secret to ensure that the safety of the witnesses in the programme is not compromised (Mack, 2014). The success of the programme thus depends largely on keeping secret the location of the safe houses as well as the identities of the witnesses and officials working in the programme (Kaur, 2011). This high level of secrecy makes it difficult for people to know about the programme and how they can apply for protection. Most of the witnesses interviewed in this study mentioned that they did not know about the existence of the programme. Those who did know about protection likened it to the American Federal Witness Security programme, which is mostly seen in television programmes, but it is very different from the South African model. The words of the participants quoted below show that witness protection is not known as well as it should be, considering its significance in the fight against crime. This theme emerged from the responses of participants, from the following question posed to them: "What is your view about the knowledge of witnesses regarding the existence of the programme and how it can be accessed?"

> *I don't think people know about witness protection, and I believe there might be many people who could assist the government with information, but they do not know that they can be protected.* (Bongani)

> *Some people know a little about the programme, 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.* (Lufuno)

> *I heard about the programme from the Hawks, they just told me that I must sign for the programme. I thought it is a programme that I will be attending for few weeks like those programmes that young offenders are sent to by the courts to attend, but only to find that I am here to stay … I didn't know how it worked.* (Jide)

Jide's confusion and lack of information about the witness protection programme is echoed by Vincent (2016), who found that witnesses often lack knowledge about how the protection programme functions. It is important that awareness campaigns are facilitated to ensure that the option of witness protection becomes public knowledge, without compromising the operations of the programme (Appleyard, 2011). This will encourage witnesses to come forward with information about crimes committed, knowing that they will be protected through the programme (Beqiri, 2018). Fery (2012) is of the view that the more witnesses are willing to report crimes and give testimony in court, the more criminals will be held to account for their criminal activities.

None of the witnesses interviewed in this study had sufficient knowledge and understanding of the programme to enable them to apply for protection independently. Witnesses were either assisted by the police officers or the prosecutors at court. This also confirms a need for social

workers' interventions and strategies in the recruitment and admission of witnesses by embarking on awareness programmes and information-sharing campaigns, without compromising the covert operations of the programme.

It is therefore important that there should be sufficient awareness of the existence of the witness protection programme, so that witnesses and society at large are assured of their safety when it comes to giving testimony. They will learn that they can apply for protection directly without seeking to be referred by social workers, police officers and public prosecutors.

The findings of this study correlate with previous research on the need for social work involvement in the recruitment, admission and protection of witnesses of crime. Witness protection programmes were initially concerned only with the physical protection of witnesses. However, the idea of providing psychosocial support and involving social workers rose to prominence with the UNODC (2008), emphasising that protection programmes should endeavour to provide psychosocial support to enable witnesses to deliver testimony without experiencing emotional and psychological difficulties (Mujkanovic, 2014). Fery's (2012) study revealed that victims and witnesses of crime are often faced with crime-induced trauma even prior to being admitted to the programme, and it is necessary that they receive psycho-social support. Mahony (2010) is of the view that the involvement of social workers in witness protection is necessary, as witnesses are also confronted with various other psycho-social challenges, which make testifying in court an overwhelming task and a source of anxiety, stress and depression. Mental health conditions if not treated timeously, can lead to long-term mental health challenges as well as affect the quality of the witness' testimony. Fery (2012) suggests that access to care and support by social workers is likely to reduce the emotional impact of giving testimony. The study by Arnold (2007) shows that witnesses who had access to social work support in Germany and the USA were able to deliver quality testimony in court, leading to successful prosecutions.

South Africa has come a long way in continuously developing and improving its model for the protection of witnesses. Operating a national programme is one of the strengths of the programme that makes it consistent and sustainable as well as establishing a witness assistance programme through the recruitment of social workers to enable the provision of psychosocial support to them. This success can be adapted in other countries to foster international collaboration and knowledge exchange.

LIMITATIONS OF THE STUDY

The lack of sufficient literature on witness protection in Africa, and South Africa specifically, led to the researcher relying on international research, most of which is older than 10 years. The study did not include witnesses who were detained in correctional facilities, and who might be struggling to access the programme. Furthermore, the views of other officials who are responsible for the admission and recruitment of witnesses, such as police officers and public prosecutors, are not included in this study.

Future research can benefit from conducting studies that will include witnesses who are detained in correctional facilities and witnesses who are not admitted into the programme to

establish whether they are aware of the protection programme and what challenges they might have faced in accessing the programme.

CONCLUSION AND RECOMMENDATIONS

There is no doubt that the South African witness protection programme is a significant tool in the fight against crime. It is important that there should be sufficient knowledge about and awareness of the existence of the programme and the way that it can be accessed by ordinary South Africans. One way to ensure that the programme is known and accessed with ease is the comprehensive involvement of social workers in the recruitment and admission of witnesses into the programme. The contribution of social workers in the programme should not focus only on witnesses who are already admitted into the programme, but more effort should be invested in the recruitment, awareness campaigns and admission phases. Social workers can identify witnesses who need protection, recruit them and educate them about the importance of protection, and facilitate their applications for admission into the programme (Beune & Giebels, 2013). It is also important for the NPA to consider recruiting additional social workers to improve the effectiveness of the psychosocial intervention programmes. The current figure of four social workers rendering services in nine provinces is not sufficient nor sustainable.

It is recommended that the SAPS, public prosecutors and social workers adopt an integrative approach and work together in creating awareness of the existence of the programme and the way that ordinary members of society can apply for protection. This will encourage people who have witnessed crime to cooperate with the authorities, knowing that they are assured of protection (Kayuni & Jamu, 2015).

The NPA should endeavour to include information about witness protection on its national website to create awareness, without compromising sensitive information. This will enable people who need protection to apply. The researcher's conviction is that, if implemented, these recommendations will enhance the programme in a number of ways. There will be greater knowledge about and awareness of the programme through the availability of information and well-informed witnesses about the admission requirements of the programme. The more people know about the programme, the more likely it is that they will apply for protection and give testimony in court. This will ultimately reduce the number of cases that are withdrawn in court because of lack of evidence, owing to the reluctance of eyewitnesses to come forward.

It is evident that social workers do indeed have a key role play in the fight against crime through promoting awareness programmes and the recruitment of intimidated witnesses.

AUTHOR BIOGRAPHY

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