

The role of Kenya's Witness Protection Agency explained



The agency, which has covered 328 witnesses and 800 dependents since its inception in 2011, also assists people facing threats for having crucial information in serious crimes including murder, corruption, and terror among other cases/FILE

By [JOSEPH MURAYA](#), NAIROBI, Kenya, Oct 6 – With cases of sexual violence on the rise, the Witness Protection Agency is calling on Kenyans to familiarize with its services that largely focuses on protection of people who would have witnessed such heinous crimes and threatened from speaking out.

The agency, which has covered 328 witnesses and 800 dependents since its inception in 2011, also assists people facing threats for having crucial information in serious crimes including murder, corruption, and terror among other cases.

Overview

- Among the major challenges the agency is facing include lack of capacity since it has only about 73 officials and work on a constrained budget according to Ondieki
- During 2016-2017 financial year, she says the agency was only allocated Sh379 million against a proposed budget of Sh760 million

- The Agency has a Liaison office in Nairobi at Milimani Law Courts Room 413 in addition to two regional offices based in Mombasa and Kisumu

In an interview with Capital News, the Agency's Chief Executive Officer Alice Ondieki said there is no reason for people to fear their services since the extent of threat informs whether a person should either be re-located, provided with physical and armed protection, granted camera hearings, distortion and obscuring the identity of the witness among a set of other security measures.

“If a person has been threatened, he has to apply either as a person or referred by an institution,” she said. “Once we receive your application, we process it through criteria that we have set up.”

For a person to qualify, she said a person must be a witness, the agency have must also go through the applicant's evidence which will then lead to risk assessment.

The programme has been effective, she said while pointing out that already 150 cases have been taken to court, 14 of which have been concluded with 12 convictions.

“We have been able to assist in investigations of very serious crimes,” she said. “We are talking of high level cases like murder, terrorism...”

The purpose of the Witness Protection Programme is to accord witnesses and related protected people an opportunity to participate in bringing to justice against perpetrators of crimes by delivering their evidence to law enforcement agencies or testifying in judicial proceedings.

The implementation of the Programme is based on strict confidentiality undertaken through well designed standard operating procedures that are based on internationally accepted good practices on witness protection.

The Government intends to empower the agency even further through a Bill that is set to amend the Witness Protection Act, which is currently at the Third Reading in the National Assembly.

The National Assembly Leader of Majority Aden Duale's Bill if passed into law, intends to introduce exceptional security measures to ensure witnesses are given comprehensive safety, the status of the accused notwithstanding.

Under the Bill, it will be an offence to intimidate, harass, obstruct, threaten, hinder or prevent a witness with intention to subvert the course of justice, with those found culpable attracting a prison sentence of up to five years.

Among the main proposals in the Witness Protection (Amendment) Bill 2016 is the provision for reciprocal protection arrangements between Kenya and foreign countries.

This will give the Director of the Witness Protection Agency (WPA) – in conjunction with the Attorney-General (AG) – the power to have Kenyan witnesses safeguarded under the witness protection regime of foreign countries and vice versa.

Unlike in the current scenario where the protection mostly terminated after conclusion of cases, the Bill recommends that a person admitted into the programme shall be protected for as long as the danger or risk to their safety persists.

The Bill further proposes that the agency be funded out of the Consolidated Fund and receive grants and donations from other lawful sources.

Among the major challenges the agency is facing include lack of capacity since it has only about 73 officials and work on a constrained budget according to Ondieki.

“The budget we have can only allow us to protect 50 witnesses in one year,” she lamented. “Because of lack of resources, we cannot take more witnesses that we can accommodate. Our officers are also not enough, we need to recruit more.”

For example, during 2016-2017 financial year, she says the agency was only allocated Sh379 million against a proposed budget of Sh760 million.

The Witness Protection Agency also encourages members of the public who have been threatened and/or intimidated for cooperating with the prosecution and other law enforcement agencies to contact the Agency through telephone numbers (020)7121337/8, 0770909207 or hotline: 0711-222441, 0725-222442. There is also a dedicated Toll Free Line: 0800 720 460 and email: info@wpa.go.ke; wpakenya@gmail.com.

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JOSEPH MURAYA Living true to the calling of Journalism. I am passionate about issues of Human Rights and Security.

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