

**WITNESSES AND VICTIMS
PROTECTION AND ASSISTANCE UNIT**



Back ground of WVSU

- The unit was created at the end of 2006, after considering the increased number of crimes committed against the W&V and the effect it had on reported criminal cases. This was proposed by NPPA and approved by the Cabinet meeting in 2006

Victims/witness statistics Repport

| Period | Handled cases | Observations |
|--------------|---------------|---|
| 2006 | 90 | This situation was caused by: increased awareness on basic rights by W&V Improved reporting system by W&V. It is not a result of emerging crimes committed Against W&V |
| 2007 | 1552 | |
| 2008 | 1700 | |
| 2009 | 2392 | |
| 2010 | 2077 | |
| 2011 | 2187 | |
| Total | 9998 | |

Vision

To contribute towards the promotion of rights of Rwandans where each individual will fully enjoy constitutional rights without any discrimination and with dignity inherent to human person in general and that of witnesses and victims in particular.

Mission

- To protect the victims and the witnesses (V&W);
- To promote the rights of V&W;
- To prevent the crimes against V&W;
- To receive various claims from V&W;
- Advocacy on behalf of V&W in judicial organs search for complimentary evidences;
- To facilitate V&W access to medical, social and psychological care

Structure of WVSU

- The head of WVSU (1);
- Witnesses protection officer (1);
- Victims protection officer (1);
- Safe house manager (1);
- One staff in-charge of protection In each prosecution at intermediary level (12 staff)
- All the above mentioned staff are from three main background (Sociologists, psychologists, lawyers)

The purpose of WVSU

1. To provide protection to witnesses thereby encouraging crucial witnesses who would otherwise desist from testifying for fear of retaliation towards their life, to come forward and testify
2. To maximize investigation and information gathering view to reduce crimes committed against W/V

Comprehensive Approach to Protection

In order to take practical decisions in individual cases, it is also necessary to approach the issues within the specific context of each of the stages of the criminal justice process:

- a) the investigations
- b) the Trial
- c) the Post-trial phase.

1. The Assessment of Risk

Because of the fundamental importance of risk and threat assessments in witness protection, it is crucial that effective systems and tools should be adopted to detect and evaluate risk. These should be able to deal with individualized risk and risk to communities or category of persons.

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These assessments, which should indicate the available protection resources, should inform the development of protection strategies. In specific active cases the assessment should recommend or adopt for immediate implementation such measures as provided protection.

2. Additional Elements of a Protection Strategy

1. Vulnerable witnesses and victims

Each protection system should, at each stage of the justice process, respond to the particular needs of the most vulnerable witnesses and victims . Child and victims of sexual violence, genocide survivors and those who might have experienced particular trauma as a result of the commission of the crime, are likely to require special protection measures. They carry additional psychological burdens, and are likely to experience added difficulty in the environment and context of public trials in particular. Careful thought should be given to addressing their needs.

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2. Confidentiality

Confidentiality and discretion are key pillars of any effective witness and victim protection strategy. The more that is known about the identity and location of a witness/victim or of the value of his or her evidence, the greater the potential risk to that individual

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3. Categories of witnesses

- Witnesses for the prosecution (according their testimonies)
- Witnesses for the defence(according their testimonies)
- Witnesses victims;
- Eyewitnesses/ear witnesses
- Detainees Witnesses.

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4. Location of witnesses

- Villages
- City/towns
- Prisons
- TIG Ingando (camps of TIG)

...Next...

5. Social condition of witnesses

- Orphans
- Widows
- Other venerable persons

...Next...

5. Protection according to crimes

- Genocide;
- Rape qualified as Genocide;
- Rape;
- Homicide;
- Human trafficking;
- Crime committed against the physical integrity of persons.

... Next...

6. Protection according the threats

- Physical threats;
- Verbal threats;
- Threats against close relatives/intimates

...Next...

7. Place of testimonies

- Judicial police;
- Prosecution Authority;
- Ordinary courts (Classic Courts);
- Gacaca courts;
- ICTR;
- Letters rogatory (regatory commission);
- Others...

3. Elements of risk assessment

- At each stage of the criminal justice process, the need and issues vary, although there are some common elements that all effective assessments need to display. These might include:

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- Identifying the nature and source of the threat or risk;
- Evaluating the capacity of the assailant(s) to carry out the threat or feared attack;
- Identifying particularly vulnerable witnesses;
- Assessing the existing protective measures;
- Identifying the most suitable measures for addressing the risk.

Threat assessment

- Identify risks;
- Analyze risk impacts;
- Design ways to remove the risks;
- Manage the removal of risks, and
- Continuously review programme.

Factors influencing the implementation of protection of witnesses/victims

- Government policies;
- Punishments of persons involved in threat/Intimidation acts;
- Culture, tradition and values of people;
- Status and security awareness of witnesses requiring protection;
- Sensitization activities of population on their rights as W&V.

4. Institutions that are directly or indirectly involved in enforcement of protective measures to a witness/victims

- NPPA (National Public Prosecution Authority);
- The National Police;
- RDF (Rwanda defence forces);
- National Security Services;
- The courts;
- Rwanda Correctional Services (Prison & TIG);
- Local authorities, and
- Other agencies that are established by government from time to time depending on the prevailing security situation.

5 Examples of Protection Measures which may be put in place

There is no exhaustive list of protection measures. Some are commonsense steps to avoid risk and most are measures that all police are familiar with. The key in a protection system is to be able to determine on the basis of an assessment which measures are appropriate to the level of risk being manifested.

... Protecting by Prevention...

A policy of zero-tolerance for interference with witnesses should also be considered to complement broader educational approaches. Because a person who threatens a witness will invariably also be committing a criminal offence, prosecution of offenders should be given priority.

A consistent pattern of such prosecutions can have a deterrent effect on offenders and an encouraging influence on potential witnesses

... Some general steps are ...

- Deployment of enhanced protection in communities or for individuals, including regular patrolling;
- Temporary relocation of the individuals during periods of heightened risk as the threat is addressed;
- Preventive action such as warning and prosecution of those who might threaten witnesses;
- Use of community interlocutors to deter threats;
- Provision of emergency channels to contact the authorities (hot line 3935 and close user group);
- 2 Safe houses and Safe Location (10);
- Use of discreet premises for interviews and briefing of witnesses;

Protective measures which may be put in place

- Alert to witnesses/victims so that are aware of the auto- protective measures in place;
- Arranging police; Army; LDF night patrols or residential guards (community policing committees) ;
- Special desk of Judicial Police Officers and Prosecutors in charge of the crimes committed against the witnesses;
- Mapping of suspected persons who can be a threat to the witnesses/victims

9. LAW N° 15/2004 RELATING TO EVIDENCE AND IT'S PRODUCTION

- **Article: 128** In the follow up and prosecution of crimes and felonies, the court will put place measures to protect :

1° people with information leading to the prosecution ;

2° witnesses.

10. Witness Support Approach

- Beyond their physical safety, the medical, psychological and social wellbeing of witnesses and victims is also important and should be addressed, without interfering with the impartiality and quality of the evidence. Catering for their wellbeing will also contribute to a better quality of evidence, which in turn promotes the quality of justice.
- It is important, therefore, that victims' cooperation with investigations or their participation in proceedings, which can be a stressful experience, should not lead to their re-traumatisation or re-victimization. (Here, victim means a person who has suffered harm - physical, mental, emotional, economic, or otherwise - as a result of the alleged offence.)

11. Some of the issues that need to be addressed in this regard:

- Early assessment of the psychological resilience of witnesses is necessary;
- Whether the witnesses have physical or other disabilities;
- The identification of any communication and language needs. This should be done at the earliest opportunity;
- In general, all individuals required to give evidence should be familiarized with the court arrangements and procedures.

Implementation scheme of protective measures

The word PROTECT means

- Planning;
- Responding/ Reacting;
- Organizing;
- Technicality (equipment);
- Emergencies;
- Communications; and
- Threat assessment.

All the underlying roles can therefore be graphically process for the execution of these represented as follows

