

Protection of witnesses of serious crimes in Kenya



The Witness Protection Agency of Kenya is here for you

What is the Witness Protection (Amendment) Act, 2010?

The Witness Protection Act, 2006 (as amended in 2010) is an Act of Parliament of Kenya that governs the protection of witnesses of criminal cases and other proceedings. It also establishes a Witness Protection Agency, and provides for its powers, functions, management and administration, and related purposes.

What is the Witness Protection Agency?

The Witness Protection Agency is an independent body that protects witnesses in Kenya. It is headed by a director and performs all its functions independently, without interference from any authority.

What does the Witness Protection Agency do?

The Witness Protection Agency provides special protection – on behalf of the state – to persons who have important information and are facing potential/real risk or intimidation due to their cooperation with the prosecution, the police and other law enforcement agencies.

The Witness Protection Agency decides on the criteria for admission into and removal from the programme and the type of protection measures. In addition, the Agency provides advice to Government Ministries, Agencies, Departments or any other person on the adoption of strategies and measures on witness protection.

Who can be protected?

A person who:

- has given or agreed to give evidence on behalf of the State
- has made a statement to the Police or any law enforcement agency in relation to an offence against a law in Kenya
- is required to give evidence before a court, commission or tribunal outside Kenya, or
- for any other reason may require protection under the Act



~~Prepared by the Witness Protection Agency of Kenya
in partnership with the Institute for Security Studies (ISS),
South Africa~~



A person qualifies to be protected based on their testimony or if they are related to a witness who requires protection. Protection is only offered to witnesses who need protection from a threat or risk, which exists on account of his or her being a crucial witness.

Who protects the witnesses?

These witnesses are protected by the Witness Protection Agency under a special Witness Protection Programme (WPP) managed by the Agency.

How does the Witness Protection Agency protect witnesses?

The Witness Protection Agency manages a Witness Protection Programme that takes necessary and reasonable actions to protect the safety and welfare of protected persons. This is done through various means including:

- physical and armed protection
- relocation; change of identity, or
- any other measure necessary to ensure the safety of a protected person

Protection can also be done during court proceedings through:

- holding *in camera* or closed sessions
- use of pseudonyms
- reduction of identifying information
- use of video link, or
- employing measures to obscure or distort the identity of the witness



Who decides on inclusion of persons to the witness protection programme?

The Witness Protection Agency decides on the criteria for admission into and removal from the programme and the type of protection measures.

What else does the Witness Protection Agency offer?

The Witness Protection Agency provides protection and manages a Victims Compensation Fund that compensates victims or the family of a victim of a crime committed by the protected person while under the Witness Protection Programme.

Who oversees the work of the Agency?

The Witness Protection Advisory Board oversees the work of the Agency. The Chairman of the Advisory Board is the Minister (Cabinet Secretary) responsible for matters relating to witness protection. In addition, the Appeals Tribunal reviews the decisions of the Agency where clients are dissatisfied. The President, on the recommendation of the Attorney General, appoints the Chairman of the Tribunal.

The Witness Protection Agency can be reached at any time through the following ways:

Physical Address

Liaison Office – Milimani Law Courts
4th Floor, Room No 413

Mobile phone

Hot Lines + 0 711222441, 0725222442 or
0706-211-203

Email

info@wpa.go.ke
wpakenya@gmail.com

Postal address

P O Box 28801 GPO
Nairobi 00100
Kenya

Telephone

(020) 7121337/8 or
(020) 770909207

Website

www.wpa.go.ke



Should you feel threatened in any way as a witness of any serious crime, do not hesitate to contact the Witness Protection Agency. We are here to protect you!