

REPUBLIC OF SOUTH AFRICA

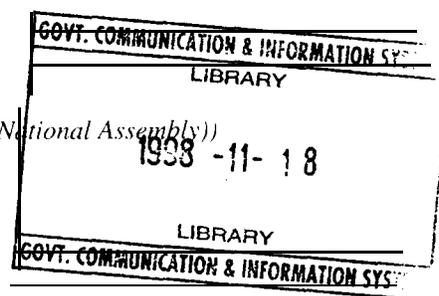
**PORTFOLIO COMMITTEE AMENDMENTS
TO**

WITNESS PROTECTION BILL

[B 130—98]

(As agreed to by the Portfolio Committee on Justice (National Assembly))

[B 130A—98]



REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP**

**WETSONTWERP OP
GETUIEBESKERMING**

[w 130—98]

(Soos goedgekeur deur die Portefeuljekomitee oor Justisie (Nasionale Vergadering))

[W 130A—98]

ISBN O 621289353

AMENDMENTS AGREED TO

WITNESS PROTECTION BILL [B130—98]

CLAUSE 1

1. On page 2, in line 23, to omit [he second “or”].
2. On page 4, in line 5, after “evidence;” to insert “or”.
3. On page 4, after line 5, to add the following paragraph:

(c) for the purposes of Chapters 5 and 6 of the Prevention of organised Crime Act, 1998, the National Director as contemplated in section 1 of that Act:
4. On page 4, in line 26, to omit “or”.
5. On page 4, in line 28, after “Directorate;” to insert “or”.
6. On page 4, after line 28, to add the following paragraph:

(e) proceedings referred to in Chapters 5 and 6 of the Prevention of Organised Crime Act, 1998;
7. In the Afrikaans text, on page 5, in line 28, after “6(1)” to insert “tydelik”.

CLAUSE 5

1. In the English text, on page 10, in line 15, after “least” to insert “once”,
2. In the Afrikaans text, on page 1 I, in line 16, to omit “maal” and to substitute “keer”.

CLAUSE 9

1. On page 12, from line 44, to omit paragraph *(a)* and to substitute:

(a) a written indication by the interested functionary concerned whether the person concerned is a witness or not;

CLAUSE 10

1. On page 14, in line 3, to omit “. where applicable.”.
2. On page 14, in line 4, after “concerned” to insert:

or if such an application has not been referred to a witness protection officer in terms of section 7(4), any written recommendations by the interested functionary concerned as to whether the person concerned should be placed under protection or not

3. On page 14, in lines 25 and 26, to omit “and, where applicable, the report of a witness protection officer”;

CLAUSE 11

1. In the Afrikaans text, on page 17, in line 16, to omit “kriminele” and to substitute “strafregtelike”.

CLAUSE 13

1. In the Afrikaans text, on page 19, in line 35, to omit “verskaf” and to substitute “openbaar”.
2. In the Afrikaans text, on page 19, in line 37, to omit “hy of sy” and to substitute “van horn of haar”.

CLAUSE 17

1. On page 24, after line 26, to add the following subsection:

(9) Notwithstanding any other law, no person in respect of whom proceedings are, or may be, or have been instituted or conducted, or who is a suspect in such proceedings, shall have access to any information, record, document or statement relating to the proceedings concerned, including any information, record, document or statement which is contained in, or forms part of, a police docket or is held by any police official charged with the investigation relating to such proceedings, which may disclose any information referred to in section 18, unless the Director otherwise directs.

CLAUSE 18

Clause rejected.

CLAUSE 19

Clause rejected.

NEW CLAUSES

1. That the following be new Clauses to follow Clause 17:

Publication of information concerning protected person

18. Notwithstanding any other law, the presiding officer—

- (a) at any proceedings or at civil proceedings in which the protected person is a party or a witness; or
- (b) at proceedings, other than the proceedings referred to in the definition of “proceedings” in section 1, instituted or conducted in terms of any law, in which the protected person is a party or a witness and in respect of which he or she is in terms of any law compellable to answer questions or to give evidence or to produce any book, record, document or object in his or her possession or

under his or her control in such proceedings, must make an order prohibiting the publication of any information, including any drawing, picture, illustration, painting, photograph, whether produced through or by means of computer software on a screen or a computer print-out as contemplated in the Films and Publications Act, 1996 (Act No. 65 of 1996), or not, pamphlet, poster or other printed matter, which may disclose—

- (i) the place of safety or location where he or she is or has been under protection or where he or she has been relocated in terms of this Act;
- (ii) the circumstances relating to his or her protection;
- (iii) the identity of any other protected person and the place of safety or location where such person is being protected; or
- (iv) the relocation or change of identity of a protected person, unless the Director satisfies the presiding officer concerned that exceptional circumstances, which are in the interest of justice, exist why such an order should not be made.

Protected person not obliged to disclose certain information

19. Notwithstanding any other law, no protected person—

- (a) when giving evidence or producing any book, record, document or object in his or her possession or under his or her control in any proceedings or in any civil proceedings before a court; or
 - (b) if he or she is in terms of any law compellable to answer questions or to give evidence or to produce any book, record, document or object in his or her possession or under his or her control in any proceedings, other than the proceedings referred to in the definition of "proceedings" in section 1, instituted or conducted in terms of any law, when answering the questions or giving the evidence or producing that book, record, document or object in such proceedings,
- shall be obliged to disclose any information referred to in section 18.

CLAUSE 20

1. In the Afrikaans text, on page 25, in line 56, to omit "voorgeskryf" and to substitute "opgelê".

CLAUSE 21

1. In the Afrikaans text, on page 27, in line 1, to omit "instansies" and to substitute "instellings".
2. In the Afrikaans text, on page 27, in line 7, to omit "instansie" and to substitute "installing".

CLAUSE 22

1. On page 26, in line 35, to omit “or (8)” and to substitute “, (8) or (9)”.

CLAUSE 23

1. On page 28, after line 19, to insert the following paragraph:

(k) mechanisms to be put in place in order to monitor the circumstances under which a person is kept under protection;
2. In the English text, on page 28, in lines 25 and 26, to omit “be prescribed” and to substitute “prescribe”.
3. In the Afrikaans text, on page 29, in line 28, after *nag*” to insert “om voor te skryf”.

CLAUSE 25

1. In the Afrikaans text, on page 31, in line 13, after *nag*” to insert “om voor te skryf”.

SCHEDULE

1. On page 32, after item 14, to insert the following item:
 15. Any offence referred to in the Prevention of Organised Crime Act, 1998.