



**Republic of Namibia**

**MINISTERIAL STATEMENT**

**ON THE STATUS OF THE WITNESS PROTECTION UNIT**

**IN THE NATIONAL ASSEMBLY**

**BY**

**THE MINISTER OF JUSTICE**

**YVONNE DAUSAB, MP**

**14 SEPTEMBER 2023**

**– To be checked against delivery –**

**Honourable Speaker,  
Honourable Members,**

1. In the previous sitting of the National Assembly, Honorable Van Den Heever posed important questions and has shown interest in the status of the twin legislative frameworks on whistle blower and witness protection. Despite being promulgated in 2017, these two pieces of legislation were regrettably not being operationalized and this is about to change.
2. Even though the questions lapsed, and I am sure Hon Van Den Heever, would probably have asked them again, as she has done in other cases, and given the fact that I prepared the responses, we agreed that I could respond in this fashion.
3. I considered it imperative to attend to these questions because of the importance of these offices and in the spirit of accountability and transparency. I shall now address the queries and provide an update to members of this House and the public at large.
3. The importance of these two pieces of legislation in the fight against corruption in all its formations cannot be underestimated. I agree with Honourable van den Heever that given the climate and space we find ourselves as societies all over the world, people with conscience, as Dr Wigand<sup>1</sup>, would call them, play an important role and Namibia's recognition of this important role, is aptly set out in the combined total of the 165 sections of these two laws. This shows the political will of the Executive and the Legislature as important voices of the people to provide for adequate safeguards for the protection of whistle blowers in this country.
4. The policy and legal frameworks are in place. However, given the capital-intensive nature of the institutional arrangements as will be seen from the attached costs estimates and required infrastructure, the operationalization of the two pieces of legislation since it was promulgated, was delayed. This situation is regretted but is not a reflection of the lack of political will.
5. The major factor that has caused the delay for operationalizing the two laws and the consequent setting up of the Whistleblower Protection Office is primarily related to the

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<sup>1</sup> See Devine et Maassarani (2011) 'The Corporate Whistle Blower's Survival Guide' p xi-xv, foreword "all that is necessary for the triumph of evil is that good men do nothing" Edmund Burke.

lack of adequate budget allocation. But the aspect of protecting whistleblowers is not entirely absent. Under section, 52(1) of the Anti- Corruption Act 8 of 2003, although not adequate, there is provision for the protection of those that blow the whistle. The reference therein is the “protection of informers and information”.

6. We acknowledge the delay but having done some costing and bench marking with South Africa and the United States, setting up such an important office requires diligence and time, to ensure it is done right the first time. As Honourable members will agree with me, the nature, and the work of such an office is rather sensitive and once the law is operationalised and the office set up, it must instil public trust. People that blow the whistle and therefore need protection must feel safe to do so. They must feel that they have been heard and that the role they played has made a difference.
7. As members of this Honourable House are aware, a budget of N\$50,000,000.00 (Fifty Million Namibian Dollars) was allocated to Vote 16 – Ministry of Justice for the current financial year to operationalise the Witness Protection Unit and Whistleblower Protection Office.
8. The office requires infrastructure, human resource capacity, and an individual of high caliber who inspires trust in the office, the public and potential whistleblowers, to head the office. We have, accordingly, committed to start with the financial resources that have been made available this year.
9. The current overall estimated costs stand at N\$ 830,000.00 (Eight Hundred and Thirty Thousand Namibian Dollars) annually for the Commissioner, N\$ 767,000.00 (Seven Hundred and Sixty-Seven Thousand Namibian Dollars) for the Chief Investigator and going forward, we will need an additional N\$6,000,000.00 (Six Million Namibian Dollars) annually, to complete the staff complement over the next couple of years.
10. For an overall picture and to express the mammoth task facing the Ministry, the Witness Protection Unit will require approximately N\$160,000,000.00 (One Hundred and Sixty Million Namibian Dollars) per annum. The entire budget appropriated for the Ministry for the current financial year stands at just under N\$600,000,000.00 (Six Hundred Million Namibian Dollars). That amounts to over a quarter of the Ministry’s budget just for the Witness Protection Unit alone.

11. Apart from the aforesaid, there were also concerns over proposed staff structures that are required for the implementation of both the Whistleblower Protection Office and the Witness Protection Unit.
12. Considering the above costs to complete the required institutional arrangements, the Ministry considered it prudent to initially set up the Witness Protection Unit. I wish to consequently inform this August House and the Namibian nation, in a letter dated 15 August 2023 and as from 1 September 2023, an Acting Director, Dr. John Shimaneni<sup>2</sup> who serves as the Ministry of Justice's Deputy-Executive Director, has been appointed to facilitate the setting up and establishment of the Witness Protection Unit. The Witness Protection legislation under section 5(1) makes provision for the appointment of an acting Director to set up the office.
13. In terms of its scope and nature, this Unit will be the first of its kind in Namibia and will require the type of training, that is -learning-by doing and any other format- to ensure that it effectively delivers on its mandate. The Ministry is further in the process of facilitating the availability of such training and has engaged regional and international organizations which may assist and provide training and best practices to staff once appointed.
14. The Ministry is also engaging Government stakeholders within law enforcement and auxiliary services to assist with the implementation of the programme, as intergovernmental collaboration is required to render the programme a success.
15. In view of this, the plan is to procure office accommodation, finalise the Regulations, Directives and Rules for the Witness Protection Act, 2017, and once completed, the commencement notices to operationalise the Act is scheduled to be Gazetted during the week of 9 - 13 October 2023.<sup>3</sup>

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<sup>2</sup> He Holds a PHD in corporate governance, MBA (Strategic Management), Senior Management Development Programme Certificate, MSc, BSc (Economics). Full CV available on request.

<sup>3</sup> Government Gazette conveyed they will require at least ten days to process the notice due to the voluminous nature of the Regulations.

16. I can inform members of this House that the process of finalizing the job descriptions for the staff of the Witness Protection Unit is nearing completion. Furthermore, the Ministry has formally engaged government stakeholders with respect to the office accommodation. All things considered; there is progress being made and quite a lot of behind-the-scenes activities to ensure we operationalize the law and establish this vital Unit during this financial year.
17. We plan to ensure that by the end of the current financial year, the law is operationalised, the key staff have been appointed and trained, the office accommodation has been procured, and the process of the taking over of witness protection services will commence.

I thank you and so submit.

End.