

VICTIMS CHARTER OF RIGHTS:

1. YOU HAVE THE RIGHT TO BE TREATED WITH FAIRNESS AND RESPECT FOR YOUR DIGNITY AND PRIVACY.

IF YOU REPORT A CRIME TO THE POLICE YOU CAN EXPECT THAT -

1. The crime will be investigated;
2. If you have reported the crime by phoning the police, they will respond to your report as quickly as they can;
3. Measures will be taken to minimise any inconvenience to you;
4. A police official will take your statement and fill out the forms necessary to register the crime;
5. You will be referred for medical attention and/or counseling (if required)
6. You will be interviewed in privacy by a member of the police.
7. You will be interviewed in a language you understand, and if the person speaking to you cannot speak a language you understand, you may ask for an interpreter;
8. You may request to be interviewed by a member of the police who is of the same sex as yourself (if available)
9. In the case of a sexual offence, the SA Police Service may need your clothing as evidence and you can request an official to assist you in obtaining alternative clothing to wear.
10. You will be consulted in an environment conducive to confidentiality, privacy and dignity; and
11. You will be requested to consent to examination and/or treatment.

2. YOU HAVE THE RIGHT TO OFFER INFORMATION.

DURING THE INVESTIGATION OF THE CASE YOU CAN EXPECT THAT -

1. You will be interviewed and steps will be taken to ensure that any evidential material you may have, is correctly gathered and protected;
2. The police officer will take a statement from you and you will be asked to read and confirm the contents thereof or, if you cannot read, the police officer will read it to you and thereafter require you to sign it, or on your request that your statement be read to you by an interpreter if

4. YOU HAVE THE RIGHT TO PROTECTION IF YOU REPORTED A CRIME TO THE POLICE YOU CAN EXPECT THAT -

1. If you have reason to believe that your safety or the safety of a member of your family or your household is being threatened, you will be allowed to report to a police station or local public prosecutor to apply for a protective order for yourself, your family or your household.
2. In appropriate cases you will be protected by a member of the South African Police Service at a place of safety or at your home, hotel etc, in the manner that is deemed necessary;
3. You will be given the opportunity to give your statement in private;
4. If you do not want the accused to know your address or name, you will be allowed to contact the investigating officer and/or prosecutor in order for them to try and withhold that information from the accused;
5. Provision may be made for the payment of allowances to you while in protective custody as well as remuneration in respect of loss of income;
6. The police will inform you that the Department of Justice and Constitutional Development (acknowledging the crucial role that victims and witnesses play in the administration of justice and that witnesses are often too terrified to testify in court due to intimidation) is in charge of the administration of the Witness Protection Programme; and
7. At all times, a responsible official will ensure that any property belonging to you and which is being held for evidentiary purposes will be maintained in good condition and returned to you as soon as it is no longer needed for evidentiary purposes.
8. Where appropriate, the SAPS will inform you that any person who unlawfully publishes any information or who unlawfully reveals the identity of a witness is guilty of an offence and can be prosecuted.
9. If you are a child, will take steps to ensure that other children and your family members are not at risk; and
10. Will, as far as possible, prevent your further traumatising or victimisation by the system.
11. You will, on request, be informed if the offender has escaped from custody; and
12. They will, on request and if relevant, include certain stipulations (e.g. no

- one is available, in a language that you understand;
3. If you realise that the statement is wrong or incomplete, you will be allowed to add to or amend your initial statement or to make a further statement;
 4. You will be given the chance to explain in your statement how the crime has affected you and your interests will be taken into account and will be written down
 5. On request you will receive a copy of your statement;
 6. The police will ask you about your fears for further victimisation and details of your loss, damage or injury;
 7. You will be required to inform the investigating officer, your address, contact details and your whereabouts while the investigation and the trial is in progress
 8. You will be required to inform the investigating officer if the suspect or the accused interferes or tries to interfere with the investigation of the case and if you are threatened by the suspect or the accused.

3. YOU HAVE THE RIGHT TO RECEIVE INFORMATION

IF YOU REPORT A CRIME YOU CAN EXPECT THAT THE POLICE WILL INFORM YOU -

1. That you may discuss the case with an attorney of your choice, if you wish to do so;
2. You will be informed of the nature and purpose of your statement;
3. The name and telephone number of the Investigating Officer allocated to your case; and the police case number (CR no or Crime Administrative System Number) will be given to you
4. You will be informed of the possibility to institute a civil action if the Director of Public Prosecution has declined to prosecute in the case;
5. You may also request to be informed of the following:
 - The arrest of a suspect.
 - Whether you are required to attend an identity parade and of the date thereof.
 - The court case number.
 - The date of bail hearings and the outcome of the bail hearings (whether the suspect is to be released on bail).
 - The progress of the investigation of your case and the prosecution thereof.
 - Any decision to withdraw or alter the charges substantially.
 - Whether you will be required to attend the court proceedings and

contact with victims or family members of victims after release), in the accused release conditions, especially in rape and abuse cases.

5. YOU HAVE THE RIGHT TO ASSISTANCE

YOU CAN EXPECT THAT THE POLICE WILL ASSIST YOU IN -

1. Making referrals to other service providers for the necessary support and on-site crisis intervention like for example medical first-aid;
2. Explanation of police procedures;
3. Information about victims' rights;
4. Addressing your safety as a priority;
5. Preservation of evidence;
6. Crime prevention advice; and
7. Reducing the violence at the crime scene.
8. Respond to incidents of crime in order to protect you;
9. Record all information regarding the incident;
10. Safeguard the scene of the crime;
11. Minimise/eliminate hazards and prevent escalation of the incident; and
12. Deal appropriately with deceased victims.

6. YOU HAVE THE RIGHT TO COMPENSATION AND RESTITUTION

IF YOU GO TO COURT YOU CAN EXPECT THAT -

1. The prosecutor and the police will, in appropriate cases, inform you that you may be present at court on the date of sentencing and that you may request the prosecutor to apply to the court for a compensation order OR request the offender to make fair restitution to you, your family or dependants;
2. In appropriate cases, the court may suspend a sentence on condition that the accused compensate you for loss or damage suffered as result of the offence;
3. The prosecutor will inform you how to enforce such an award;

COMPLAINTS

All of the agencies involved in your case aim to provide a high standard of service, but things sometimes do go wrong. If they do, the agencies want to know what happened. This part of the Charter tells you what you can do if you are unhappy about -

- a. The way you have been treated;
2. The information you have received; or

the date/s thereof.

- The date of the trial and the final result.
- The date of sentencing and the outcome thereof;
- Whether the accused has appealed against conviction or sentence and the outcome thereof.
- How and when confiscated property can be reclaimed.
- What Victim Support services are available to address your particular needs and how to access them:
- Should there be a need for medical examination, the collection of evidence, the taking of samples, and the recording of a detailed medical report, you will be informed of the procedure, that will be followed during the examination.

3. Decisions that have been made.

IF YOUR COMPLAINT IS ABOUT THE POLICE-

1. You can submit a complaint about a police officer, or a police service policy, practice or procedure at the police station involved by writing to the Commanding Officer of the police station concerned.
2. If you complain about a police officer acting unfairly or incorrectly, the matter will be overseen by the Independent Complaints Directorate.
3. If your property has been lost or damaged while it was in police possession, you may be entitled to compensation. Write to the Commanding Officer of the police station concerned with details of your claim.

ALTERNATIVE COMPLAINT MECHANISMS-

Should you feel dissatisfied with the way in which your complaint has been attended to by the role-players or service providers in the criminal justice process, you may take recourse to the services provided by organizations such as:

- a. The Public Protector,
- b. The South African Human Rights Commission or Lawyers for Human Rights,
- c. A lawyer of your own choice and at your own cost.