



**In re Witness Protection Act (Miscellaneous Criminal Application E004 of 2023) [2023] KEHC 222 (KLR) (24 January 2023) (Ruling)**

Neutral citation: [2023] KEHC 222 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
MISCELLANEOUS CRIMINAL APPLICATION E004 OF 2023  
RE ABURILI, J  
JANUARY 24, 2023  
IN THE MATTER OF ARTICLE 50 OF THE CONSTITUTION  
AND  
IN THE MATTER OF WITNESS PROTECTION ACT  
AND  
IN THE MATTER OF WITNESS PROTECTION RULES, 2015  
AND  
IN THE MATTER OF APPLICATION FOR ORDERS FOR WITNESS PROTECTION  
IN THE MATTER OF  
REPUBLIC ..... APPLICANT**

**RULING**

1. I have considered the application dated January 20, 2023 for witness protection as filed by the firm of Felix O Oketch Advocates.
2. I find the application incompetent and premature and contrary to the law for reasons that the person or persons named as witnesses seeking for protection have not approached the Witness Protection Agency (WPA) for assessment and a memorandum of understanding reached with witness protection agency in accordance with section 7 of the *Witness Protection Act* cap 79 Laws of Kenya.
3. Under section 5 of the act, the decision to admit into or exclude any person from the witness protection programme is the responsibility of the director of witness protection agency and it has not been shown that the applicants have approached the witness protection agency for inclusion in the programme and the process complied with.
4. I decline the application and direct the applicant to approach the witness protection agency for coordination upon which he/they will be assessed and the witness protection agency will make an



appropriate application before this court under a confidential file for consideration. The application is struck out.

5. I so order.

6. This file is closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 24<sup>TH</sup> DAY OF JANUARY, 2023**

**R.E. ABURILI**

**JUDGE**

