



**Republic (Ex-Parte) v Kamotho (Criminal Case E001 of 2025)
[2025] KEHC 1709 (KLR) (10 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 1709 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL CASE E001 OF 2025
DR KAVEDZA, J
FEBRUARY 10, 2025
IN THE MATTER OF THE WITNESS PROTECTION ACT NO. 16 OF 2006
AND
IN THE MATTER OF APPLICATION FOR ORDERS OF WITNESS PROTECTION
BETWEEN
REPUBLIC (EX-PARTE) APPLICANT
AND
SARAH WAIRIMU KAMOTHO ACCUSED**

RULING

1. The ex-parte applicant filed a notice of motion dated 7th January 2025 under Articles 50(2)(8) and (9) of the *Constitution of Kenya*, Sections 4(3), 5, 7, 15, and 16 of the *Witness Protection Act*, Rule 17 of the *Witness Protection Rules 2015*, and other relevant provisions.
2. The Applicant seeks orders for the protection of two witnesses in this case. Specifically, the Applicant prays that the witnesses testify in camera, from within a witness protection box, with their identities redacted and the use of pseudonyms. Additionally, the Applicant seeks the use of voice distortion technology, and that the media be prohibited from disclosing their identities. The Applicant further prays that the proceedings be conducted with strict confidentiality and that the Court grant any additional protective orders it deems necessary.
3. The application is supported by the grounds set out in the accompanying affidavit, which states that the witnesses are key to the prosecution's case against the accused. Given that the Witness Protection Agency has already placed them under its protection, the Applicant submits that the orders sought will enhance their security. The Applicant further contends that granting these orders is in the public interest and urges the Court to allow the application.



4. Having considered the application, supporting affidavit, and relevant law, I am satisfied that the matter is of utmost urgency. Based on the evidence presented, the witnesses qualify for legal protection in line with Article 50 of the *Constitution of Kenya*. Consequently, I hereby make the following witness protection orders in Court Criminal Case No. E001 of 2025:

- I. The application dated 7th January 2025 is certified urgent and confidential.
- II. The subject witnesses shall testify in camera from the witness protection box.
- III. The names of the subject witnesses shall be redacted before being disclosed to the accused.
- IV. The subject witnesses shall use pseudo names in giving testimony before court as may be assigned by the Prosecution/Witness Protection Agency.
- V. The media both print and broadcast are hereby barred from disclosing the names and images of the subject witnesses.
- VI. The testimony of the two witnesses shall be taken in a court that is equipped with the necessary protection facilities to ensure compliance with these orders.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 10TH DAY OF FEBRUARY 2025

D. KAVEDZA

JUDGE

