



In re Application for Orders for Witness Protection (Criminal Miscellaneous Application 13 of 2020) [2020] KEHC 5287 (KLR) (8 May 2020) (Ruling)

In the Matter of Application for Orders for Witness Protection [2020] eKLR

Neutral citation: [2020] KEHC 5287 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KITUI
CRIMINAL MISCELLANEOUS APPLICATION 13 OF 2020**

LN MUTENDE, J

MAY 8, 2020

IN THE MATTER OF

REPUBLIC APPLICANT

RULING

1. By way of chamber summons dated the 23rd day of April, 2020, the applicant seeks orders *exparte* as follows:
 - i) That this honourable court be pleased to grant orders extending parental responsibility of the 19 year old, APWP 1558, jointly to the Director, Witness Protection Agency and to the in-charge of [particulars withheld] where she will be placed for protection.
 - ii) That this honourable court be pleased to grant care or committal orders for APWP 1558, 1559 and 1560 to [particulars withheld].
 - iii) That the miscellaneous application file germane to this application be kept under lock and key.
 - iv) That this honourable court be pleased to grant any such orders it deems fit in the circumstances.
2. The application is premised on grounds that: The applicant has under it's protection vulnerable witnesses in Criminal Cases No 3/2020, 4/2020 and 6/2020 in the High Court, Kitui; alleged victim in the stated cases of murder was the one in custody of the witnesses having separated from their father; evidence to be adduced by the witnesses in support of the case puts them in danger, therefore, there is need to have them placed under protection at a caregiving home.
3. The application is supported by an affidavit sworn by [particulars withheld] where she deposes that the risk assessment has been conducted and witnesses herein admitted into the witness protection programme; the subjects concerned who are a young adult aged, nineteen (19) years and her siblings



(minors) are in danger as a result of the nature of evidence they will adduce at trial; APWP 1558 aged 19 years is in agreement with the Agency's arrangement of the Director extending parental responsibility beyond the age of 18 years.

4. That, along with the mandate of the Agency, they have secured [particulars withheld] and it will be in the best interest of the children for orders sought to be granted.
5. Having considered the application, I do note that "APWP 1558" is stated to be aged nineteen (19) years old while her siblings are minors. On her own behalf and that of her siblings (APWP 1559 and APWP 1560), they have agreed to be included in the witness protection programme. The subjects are stated to be crucial witnesses for the state in a case of murder, which is a serious offence hence the perceived danger that the subjects may be exposed to cannot be disregarded.
6. In the result, I proceed to make the following orders:
 - i) Parental responsibility be and is hereby extended to APWP 1558 jointly with the Director; Witness Protection Agency and the Incharge, [particulars withheld] for the purposes of this matter;
 - ii) "APWP 1558"; "APWP 1559" and "APWP 1560" be and are hereby committed to [particulars withheld].
 - iii) The miscellaneous application file germane to this application be kept under key and lock.
7. It is so ordered.

Dated, Signed and Delivered via Email this 8th day of May, 2020.

L. N. MUTENDE

JUDGE

