

[AS INTRODUCED IN THE SENATE]

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further to amend the Anti-Terrorism Act, 1997

WHEREAS it is expedient to further amend the Anti-Terrorism Act, 1997 (XXVII of 1997), in the manner, hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement. (1) This Act may be called the Anti-Terrorism (Amendment) Act, 2017.

(2) It shall come into force at once.

2. Insertion of new section in Act No. XXVII of 1997.- In the Anti-Terrorism Act, 1997 (XXVII of 1997), after section 21A, the following new section shall be inserted, namely:-

“21AA. Protection of Judges, Prosecutors, Witnesses and persons concerned with Court Proceedings.- (1) For the purposes of protecting the Judges, Prosecutors, Witnesses and persons concerned with Court proceedings, the Court may make such necessary orders or take such measures, as it deems fit, which may also include the following:-

- (a) Proceedings may be held in camera, or under restricted entry, where necessary, to prevent persons from crowding or storming the Court to intimidate the Judge and/or Prosecutor or to create a threatening atmosphere which may impede the trial;
- (b) Witness Anonymity Order may be passed by a Court that requires such specified measures to be taken in relation to a witness in proceedings, as the Court considers appropriate to ensure that the identity of the witness is not disclosed in or in connection with the proceedings. The kinds of measures that may be required to be taken in relation to a witness may include measures for securing one or more of the following:-
 - (i) That the witness's name and other identifying details shall be withheld or removed from materials disclosed to any party to the proceedings;
 - (ii) The witness shall use a pseudonym;

2

- (iii) That the witness shall not be asked questions of any specified description that might lead to the identification of the witness;
 - (iv) That the witness shall be screened so as to prevent his identification; and
 - (v) That the witness's voice is subjected to modulation to any specified extent;
- (c) Live link which refers to a live television link or other arrangements whereby a witness, whilst absent from the courtroom but present at a prescribed location is able to testify and be heard and seen by a Judge. Where a direction for a live link has been given, Cross-examination must be conducted by live link. The Court in furtherance of the interest of justice may order the image and voice of the witness to be morphed so as to protect the identity of the same; and
- (d) Identification Parade shall be carried out by way of witness screening which is the use of screens, curtains or two-way mirrors to shield witnesses and their identity from the Accused and from the public and the media as a means to reduce any potential intimidation and face to face confrontation.
- (2) The Court may make such an order only if it is satisfied that the following conditions are met:-
- (a) The proposed order is necessary,-
 - (i) in order to protect the safety of the witness or another person or to prevent any serious damage to property; or
 - (ii) in order to prevent real harm to the public interest; or
 - (iii) in order ensure expeditious trial; and
 - (b) Having regard to all the circumstance(s), the effect of the proposed order should be consistent with the Defendant receiving a fair trial.

STATEMENT OF OBJECTS AND REASONS

In order to make effective provision for protection of witnesses and persons concerned with the trial of Anti-Terrorism cases. It is expedient to amend the Anti-Terrorism Act, 1997 so that the witnesses don't feel intimidated, harassed and coerced whilst giving their testimony and are able to testify without being apprehensive of their security in accordance with law.

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