

## WHAT ARE COURT-ORDERED PROTECTIVE MEASURES?

Before any witness appears in the courtroom, KSC Judges may order appropriate judicial measures for the protection, safety, physical and psychological well-being, dignity and privacy of that witness or another person who might be at risk due to the testimony.

KOSOVO SPECIALIST CHAMBERS

P.O. Box 47  
2501 CA The Hague  
The Netherlands



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

KOSOVO SPECIALIST CHAMBERS

## COURT-ORDERED PROTECTIVE MEASURES

[www.scp-ks.org](http://www.scp-ks.org)

# COURT-ORDERED PROTECTIVE MEASURES

## What kind of measures can be ordered?

Protective measures ordered by the Judges can take many different forms. Some of the most important ones are:

Measures protecting the *identity* or *whereabouts* of the witness or another person mentioned in the course of testimony:

- Deleting names and identifying information from the records;
- Assigning a pseudonym (fictitious name) and refraining from using the real name of the witness;
- Not disclosing to the public any record with identifying information;
- Giving testimony through image or voice distortion, which allows the public to hear the testimony without identifying the witness;

- Giving testimony through two-way closed circuit video-link: the witness can see the courtroom and those in the courtroom can see the witness, but the public cannot see the witness;
- **Private session:** the public can see the court-room, but cannot hear what is said; public broadcast continues, but is muted;
- **Closed session:** the public cannot see or hear what is happening in the courtroom; public broadcast is stopped.

**Special measures for *traumatized or vulnerable witnesses*, such as victims of sexual violence, elderly witnesses or those under the age of 18:**

- Presence of a psychologist or immediate family member during the testimony;
- One-way closed circuit video-link: the witness cannot see the courtroom, but those in the courtroom can see the witness; the public cannot see the witness;
- When the witness is in the courtroom, shielding him or her from the direct view of the Accused.

## Who can request such measures and when?

Protective measures ordered by the Judges can be requested by the witness him- or herself, the Specialist Prosecutor, Defence Counsel, Victims' Counsel, the KSC Registry. Moreover, the Judges may decide, on their own accord, to order such measures, without anyone requesting them.

Protective measures are usually ordered before the witness testifies, to allow time for their implementation. However, there may be instances where such measures are ordered by the Judges during the testimony to protect certain information.

## Breaches of court-ordered protective measures

Violations and breaches of court-ordered protective measures give rise to **offences against the administration of justice**, which are severely punished under the relevant provisions of the Kosovo Criminal Code applicable before the KSC.