

***“Our security must be  
threatened in order for us to  
appreciate it.”***



- Bruce Schneier, American Cryptographer
- *“If you think technology can solve your security problems, then you don’t understand the problems and you don’t understand the technology.”*





# **Terrorism Trials: measures to protect stakeholders and the court**

**MADHU KHANNA LALLI**

Additional District & Sessions Judge  
Ambala, Haryana

# Safety starts with you

It does not come instantly – you should implement it consistently.

**Security evaluation in terrorism cases, preparation and control**





1. Protect the courthouse and court room
2. Safeguard the stakeholders
3. Develop a security plan
4. Balance security needs, due process and public/media access



# Stakeholders

## Who are the stakeholders ?

1. Judges
2. Witnesses and victims
3. Lawyers and public prosecutors
4. Accused
5. General public



# The Hague Memorandum on Good Practices for the Judiciary in Adjudicating Terrorism Offences (Global counter terrorism forum)



## Good Practice 4

Special measures to protect victims and witnesses to the trial process

## Good Practice 7


Contribution to the development of enhanced courthouse and judicial protocols and effective courtroom security

## Good Practice 9

Ensuring victims of terrorism access to justice

**Are these good practices being followed in India?**

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care)  
**se·cu·ri·ty** /sɪˈkʊrəti/  
cure condition  
or guarantee  
of a loan, etc.



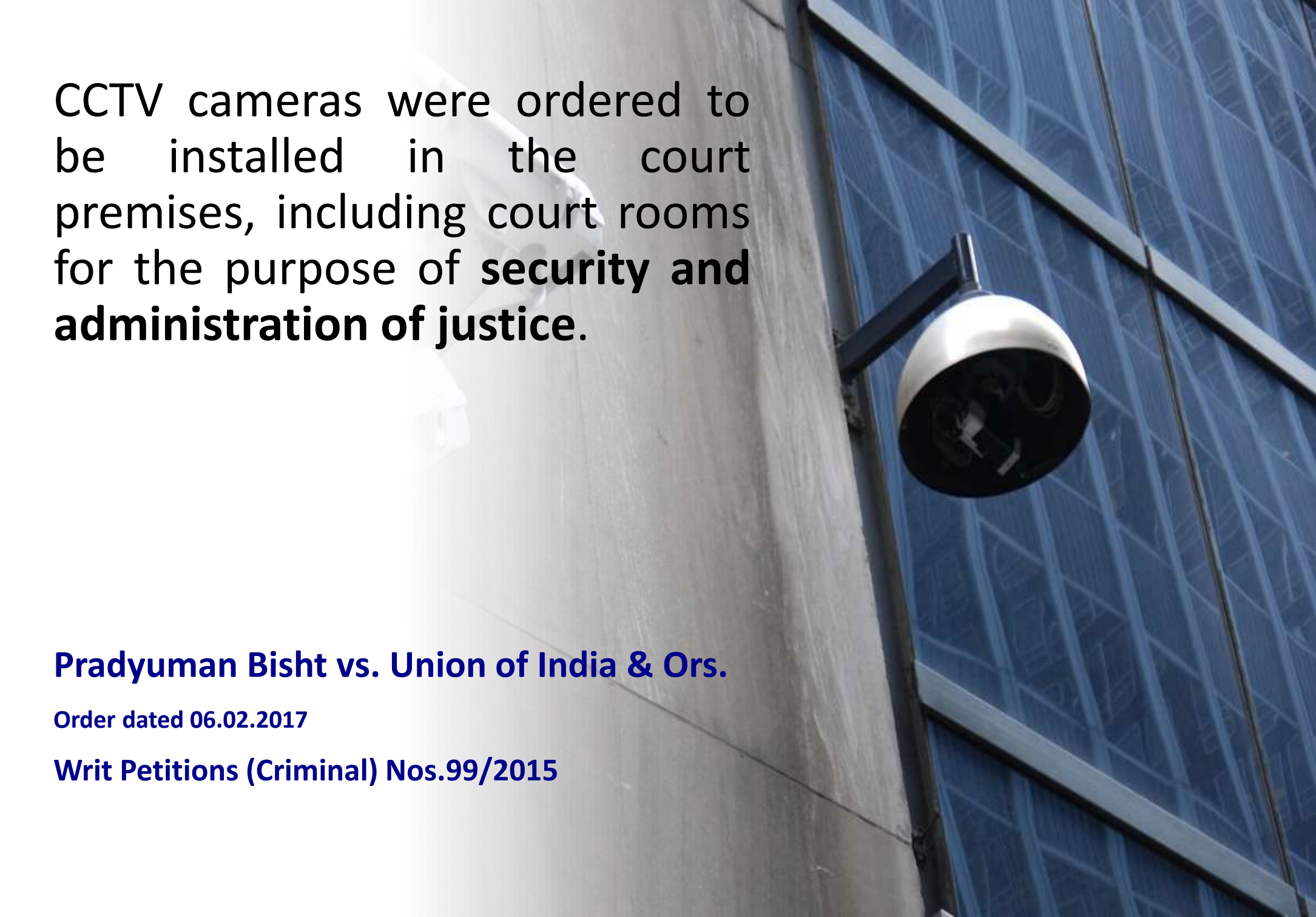
What types of security challenges arise during terrorism cases?





**Even receiving a harmless bouquet of flowers which symbolise beauty, love and gratitude can be deadly**

# Firing in Rohini Court



CCTV cameras were ordered to be installed in the court premises, including court rooms for the purpose of **security and administration of justice.**

**Pradyuman Bisht vs. Union of India & Ors.**

Order dated 06.02.2017

**Writ Petitions (Criminal) Nos.99/2015**



# Components of Security Plan



**Assessment** of vulnerabilities

**Security Measures:** What is needed?  
What resources are available?

**Coordination** with law enforcement  
agencies , and

**supervision** for implementation of plan

Judicial leadership is important in security planning

A photograph of a line of police officers in khaki uniforms, holding rifles. The image is partially obscured by a white semi-transparent box containing text. The officers are standing in a row, and their hands are visible on the rifles. The background is blurred.

## Consider:

- Permanent court security units
- Training & Sensitization of law enforcement agency
- Mock security drill






A security plan, which should be **evaluated consistently** should be in place.

**Pradyuman Bisht vs. Union of India & Anr.,  
2023 SCeJ 292**

# FACT PATTERN



- On January 6, 2023, a series of bombs were detonated in the local market.
  - Twenty people were killed and 50 injured.
  - The police apprehended 3 persons.
  - Terrorist organization AB claimed responsibility for the attack and swore to avenge their compatriots and attack all persons who stand in their way.
  - After completion of investigation, the chargesheet report is filed in your court. Charges under BNS, 2023, UAPA and Explosive Substances Act are framed against the accused. The evidence includes eyewitness statements, forensic evidence and digital evidence.
  - The incident led to heightened public interest, negative sentiment, and extensive partisan media coverage.
  - Several death threats have been made against the accused and their advocates.
  - Threats have been received by witnesses as well.
  - There are reports of hostile vigilante gatherings around the court precincts.
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# Develop a Security Plan

(Preparation Time : 10 minutes

Discussion Time : 2 minutes each group)

**What measures will you take to –**

## Group A

- Secure the court premises

## Group B

- Address the security threats to lawyers during and after court proceedings
- Secure the Accused during and after court proceedings

## Group C

- Address the security threats to Judges during and outside of court proceedings
- Secure the court room

## Group D



- Address the security threats to the court officials
- Protect the witnesses/victims who will testify during trial

# **Security in Court Premises**

**Do you think frisking is necessary at the main entrance of the court premises and before entering the court room ?**





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- Regulation of footfall in Court complexes
  - The location and space planning
  - Setting up of control panel
  - No multiple entrances
  - Screening system including a metal detector and baggage scanner at every entrance
  - CCTV Cameras installed at strategic points.
  - Issuance of court identity cards
  - The court staff should be subject to screening rules
  - Biometric devices
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- The fire fighting equipments
- Availability of ambulance/ medical facilities
- Keeping court complex vicinity free from traffic & parking congestion
- Sufficient electric light
- Court specific entry Pass
- Passages and staircase not to be blocked
- Public elevators not to stop at private floors.
- Continuous check on the operation of shops/vendors/cafeterias in the court premises
- Landscaping be reviewed to eliminate sheltered spots
- Deliveries be scanned



# Parking Area

- CCTV camera
- Well lit
- Provide security stickers for the vehicles
- Provide a separate secure entrance and exit for judges
- Be guarded by the court staff as well
- No signage to identify the vehicle



# Court Room Security



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- The list of prohibited articles should be displayed at the entrance
  - Raised dais of the judge
  - Bullet proof glass partition between the dais and the public area
  - Only those persons concerned with the case should be allowed to go inside the courtroom and that too after thorough checking
  - Emergency alarm system
  - Windows to be well covered
  - locate policemen at strategic locations in courtroom
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# Media

- Locate the media in one place in court room
- Develop an effective media coverage plan for the case and the trial
- Consider *in camera* trial





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# Judges



**Accident or Murder ?**

**Shri Uttam Anand, Additional Sessions Judge, Dhanbad.**

**Consider the Threat Perception Report**





It was observed that environment needed to be created where Judicial officers felt safe and secure

**Safeguarding Courts and Protecting Judges  
(see Death of Additional Sessions Judge,  
Dhanbad)  
2021 SCC Online SC 3335**

# Keeping judges safe

- Wherever possible judges should have a separate passage for themselves
- The entrance door to the chamber of the judge should be kept locked
- The judge should be escorted from the court room to his chamber every time
- The washroom should have access from the chamber
- Protection for family



The background features broad, diagonal brushstrokes in shades of orange and green, creating a textured, artistic effect. The orange strokes are in the upper left, and the green strokes are in the lower right, meeting in the center.

# **Witnesses and Victims**



# Why protection necessary



If witnesses get threatened or are forced to give false evidence that also would not result in a fair trial

**Zahira Habibulla H. Sheikh and Another vs State of Gujarat 2004(4)SCC 158**



# Witnesses and Victims: the law



- **Unlawful Activities (Prevention) Act, 1967** - Section 44
- **National Investigation Agency Act, 2008** Section 17
- **Witness Protection Scheme, 2018**
- **Victim Compensation Scheme** – Section 396 BNSS (Section 357-A Cr.P.C.) (in addition to sections 65,70(1),124 BNS)
- **BNS,2023** – Section 232 ( Section 195-A IPC)
- **BNSS,2023**-Section 216 (section 195-A CrPC)






# Protecting victims and Witnesses

## Clause 7 Witness Protection Scheme 2018


- The witness protection measures to be proportionate to the threat
- To be for a specific duration not exceeding three months at a time
- These may include:
  - a) Ensuring that witness and accused do not come face to face during **investigation** or **trial**;
  - b) Monitoring of mail and telephone calls;
  - c) Arrangement with the telephone company to change the witness's telephone number or assign him or her an unlisted telephone number;
  - d) Installation of security devices in the witness's home such as security doors, CCTV, alarms, fencing etc;

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- e) Concealment of identity of the witness by referring to him/her with the changed name or alphabet;
  - f) Emergency contact persons for the witness;
  - g) Close protection, regular patrolling around the witness's house;
  - h) Temporary change of residence to a relative's house or a nearby town;
  - i) Escort to and from the court and provision of Government vehicle or a State funded conveyance for the date of hearing;
  - j) Holding of in-camera trials;
  - k) Allowing a support person to remain present during recording of statement and deposition;
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- l) Usage of specially designed **vulnerable witness court rooms** which have special arrangements like ***live video links, one way mirrors*** and ***screens*** apart from **separate passages for witnesses and accused**, with option to ***modify the image of face*** of the witness and to ***modify the audio feed of the witness' voice***, so that he/she is not identifiable;
  - m) Ensuring expeditious recording of deposition during trial on day to day basis without adjournments;
  - n) Awarding time to time periodical financial aids/grants to the witness from **Witness Protection Fund** for the purpose of re-location, sustenance or starting a new vocation/profession, as may be considered necessary.
  - o) Any other form of protection measures considered necessary.
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- Protection of identity - **Part III**
  - Change of identity - **Part IV**
  - Relocation of witness - **Part V** (expenses to be paid from witness Protection Fund)
- Regular monitoring and review of the **protection order** is required (**Mahender Chawla vs. Union of India and Ors. {2019 (14) SCC 615}**)

➤ **Judicial strategies to promote security**

- Shift of Venue
  - Designate seating arrangements for victims , witnesses to reduce opportunities for intimidation within courtrooms
  - Order staggered departure of various groups and parties
  - Using audio video means for recording of testimony
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# **Public Prosecutors and Lawyers**



- What are the security risks to Public Prosecutor & lawyers?
- What can be done to address these risks?
- Consider the **Threat Analysis Report**



The background features broad, diagonal brushstrokes in shades of orange and green, creating a textured, painterly effect. The orange strokes are in the upper left, and the green strokes are in the lower right, meeting in the center where the text is located.

**Accused**

# Safety of accused



- Effort should be made to escort the accused when public presence is minimum
- Assign a second court security officer to clear the path when the accused is being taken
- If using the elevator, clear the elevator of all people
- Ensuring the safety of accused in the jail

The background of the slide features abstract, diagonal brushstrokes. The upper-left portion is dominated by warm orange and yellow tones, while the lower-right portion transitions into various shades of green, from light mint to a vibrant forest green. The strokes are layered and textured, creating a sense of movement and depth.

# The Balance:

Safety – Fairness – Open Courts



# Exceptions to open court rule

- **Section 366 BNSS ( Section 327 CrPC)** - if the judge or magistrate thinks fit
- **Section 17 National Investigation Agency Act, 2008**
- **Section 44 Unlawful Activities (Prevention) Act, 1967** – allows court to hold proceedings *in camera* after giving reasons in writing
  - It also makes violation of such measures or orders for protection of witnesses a criminal offence
- **Witness Protection Scheme 2018** – clause 7(j)
- **Article 6(1) of the European Convention on Human Rights** - the Verdict “shall be pronounced publicly but the press and public may be excluded from all or part of the trial **in the interest of morals, public order or national security in a democratic society**”



The background of the image is a watercolor-style illustration. It features broad, diagonal strokes of color. The upper-left portion is dominated by warm orange and yellow tones, while the lower-right portion is filled with various shades of green, ranging from light mint to a vibrant forest green. The colors blend into each other, creating a soft, painterly effect. In the center of this background, the words "Thank You" are written in a clean, black, sans-serif font.

Thank You

