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5/12/18

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT - SECOND SESSION

THE DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION
AND INNOVATION

REPORT ON THE PETITION REGARDING FAILURE BY GOVERNMENT TO
REGULATE ACTIVITIES OF WEEKLY CITIZEN NEWSPAPER

BY MR. KHALID NJIRAINI

DIRECTORATE OF COMMITTEE SERVICES
CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI.

DECEMBER, 2018

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 05 DEC 2018	
DAY: Wednesday (Pm)	
TABLED BY:	Hon. William Kisang, MP Chairperson, DC - on Communication, Information & Innovation
CLERK-AT THE-TABLE:	Rachel Kain - Principal Clerk Assistant

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CHAIRPERSON'S FOREWORD

Mr. Speaker,

On Thursday 4th October, 2018 a petition was conveyed to the House pursuant to Article 119 (1) of the Constitution of Kenya 2010 and Standing Order 225 (2) (b) by the Speaker of the National Assembly on behalf of Mr.Khalid Njiraini Tianga.

Pursuant to Standing Order 227, the petition was referred to the Departmental Committee on Communication, Information and Innovation for consideration and thereafter report to the House.

Prayer

The petitioner prayed that the National Assembly—

1. Invites the petitioner to appear before it to prosecute and present appropriate documentation;
2. Summons the Office of the Attorney General and the Inspector General of Police to appear before it and explain-
 - (i) why it has failed to take action to deter the circulation or otherwise regulate the activities of the Citizen newspaper; and
 - (ii) what steps will be taken to resolve the matter.

In considering the Petition, the Committee held meetings with the petitioner, the Media Council of Kenya and Headlink Publishers Limited to consider the prayers sought. Further, the Committee wrote to the Registrar General and the Assistant Registrar of Societies to submit registration details of the Weekly Citizen newspaper. The minutes of the meetings are annexed to this Report.

The Committee appreciates the assistance provided by the Office of the Speaker and the Clerk of the National Assembly that enabled it to discharge its functions in considering the petition.

I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the consideration of the petition.

On behalf of the Departmental Committee on Communication, Information and Innovation and pursuant to Standing Order, 227 it is my pleasant privilege and honor to present to the House the

report of the Committee on its consideration of the petition regarding failure by Government to regulate activities of the Citizen Newspaper.

HON. WILLIAM KISANG MP, CHAIRPERSON
DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION AND
INNOVATION

1.0 PREFACE

1.1 Committee Mandate

The Departmental Committee on Communications, Information and Innovation is established under Standing Order 216 and mandated under Standing Order 216 (5) to—

- a. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- b. Study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- c. Study and review all legislation referred to it;
- d. Study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- e. Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- f. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*);
- (fa) examine treaties, agreements and conventions;
- g. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- h. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- i. consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- j. Examine any questions raised by Members on a matter within its mandate.

In accordance with the Second Schedule of the Standing Orders, the Committee oversees the Ministry of Information, Communication and Technology and matters Communication, Information, media and broadcasting (except for broadcast of parliamentary proceedings),

Information Communications Technology (ICT) development and advancement of technology and modernization of production strategies.

1.2 Committee Membership

1. The Hon. Kisang William Kipkemai, M.P - **Chairperson**
2. The Hon. George Macharia Kariuki, M.P - **Vice Chairperson**
3. The Hon. Liza Chelule Chepkorir, M.P.
4. The Hon. Alfah O. Miruka, M.P.
5. The Hon. Annie Wanjiku Kibeh, M.P.
6. The Hon. Joshua Kimilu Kivinda, M.P.
7. The Hon. Marwa Kitayama Maisori, M.P.
8. The Hon. Mwambu Mabongah, M.P.
9. The Hon. Maritim Sylvanus, M.P.
10. The Hon. Mwangaza Kawira, M.P.
11. The Hon. Jonah Mburu, M.P.
12. The Hon. Gertrude Mbeyu Mwanyanje, M.P.
13. The Hon. Wamuchomba Gathoni, M.P.
14. The Hon. (Eng.) Mark Nyamita Ogola, M.P
15. The Hon. John Kiarie Waweru, M.P.
16. The Hon. Erastus Nzioka Kivasu, M.P.
17. The Hon. Innocent Momanyi Obiri, M.P.
18. The Hon. Godfrey Osotsi Atieno, M.P.
19. The Hon. Anthony Tom Oluoch, M.P.

1.3 Committee Secretariat

- | | |
|------------------------|------------------------------------|
| 1. Mr. Nicholas Emejen | Deputy Director Committee Services |
| 2. Ms. Ella Kendi | Third Clerk Assistant |
| 3. Mr. Ronald Walala | Legal Counsel II |
| 4. Ms. Lorna Okatch | Research Officer III |
| 5. Ms. Catherine Gati | Fiscal Analyst III |

2.0 INTRODUCTION

2.1 Legal framework for petitions

1. Article 37 of the Constitution provides that *every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities*. Article 119(1) of the Constitution provides that *every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation*.

2. Petition to parliament act provides that -----

Upon presentation of a petition to the House, the Speaker refers it to the relevant Committee for consideration, and reporting. After referral the Committee invites the Petitioner (s) to appear before it and prosecute the petition; and the authority responsible for matters relating to the subject matter of the Petition to respond in writing or through oral representations.

3. The National Assembly Standing Orders require that a Committee, to which a petition is committed to, responds to a Petitioner within sixty days (60) days through a report tabled in the House.

4. The Petitioner, Mr. Khalid Njiraini draws the attention of the House to the continued unregulated circulation of the Citizen newspaper. He notes that the newspaper has been publishing negative stories touching on him and as a result, the petitioner sued the newspaper and was awarded Kshs.2, 200,000. However, the petitioner has been unable to execute the judgment as the newspaper has no known physical office. Further, the petitioner notes that the newspaper is still in circulation yet it is not registered and his efforts to obtain an explanation from the Inspector General of Police on why the newspaper is in circulation are yet to elicit a response.

5. The petitioner's prays that the National Assembly—

- a) Invites the petitioner to appear before it to prosecute and present appropriate documentation;
- b) Summons the Office of the Attorney General and the Inspector General of Police to appear before it and explain-

- (i) why it has failed to take action to deter the circulation or otherwise regulate the activities of the Citizen newspaper; and
- (iii) what steps will be taken to resolve the matter

3.0 CONSIDERATION OF THE PETITION

3.1 APPLICABLE LEGAL PROVISIONS

6. The applicable legal provisions include the following;
 - (i) Print Journalism is regulated by the Constitution, the Books and Newspapers Act, Cap. 111 and the Media Council Act, 2013
 - (ii) Article 34 of the Constitution entrenches the freedom of the media in the Constitution as part of the Bill of Rights.
 - (iii) Article 33(2) of the Constitution limits the freedom of the media by prohibiting the media from disseminating views that are essentially—
 - (a) propaganda for war;
 - (b) incitement to violence;
 - (c) hate speech; or
 - (d) advocacy of hatred that—
 - (i) constitutes ethnic incitement, vilification of others or
 - (ii) incitement to cause harm; or
 - (iii) is based on any ground of discrimination specified or contemplated in Article 27 (4).
7. It must however be noted that all rights and freedoms guaranteed under the Constitution may be limited by law to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, except the freedom from torture and cruel, inhuman or degrading treatment or punishment, the freedom from slavery or servitude, the right to a fair trial and the right to an order of *habeas corpus*.
8. Therefore, the provisions of the Books and Newspapers Act, Cap. 111 and the Media Council Act, 2013 constitute a statutory limitation of the freedom of the media for purposes of regulation.

Books and Newspapers Act, Cap 111.

9. Sections 7 of the Act requires the publisher of a newspaper to, at his own expense deliver, or send by registered post, to the Registrar two copies of the newspaper and two copies of any supplement to the newspaper. Additionally, Section 8 requires the publisher to, within fourteen days after the date on which a newspaper is first published, and in the month of January in every year thereafter to furnish the Registrar with a return containing particulars of the newspaper. The publisher is also under an obligation to notify the Registrar of any change in the particulars of the return.

10. Under section 9, a person who publishes any newspaper printed in Kenya and fails to comply with provisions of section 7 or section 8 or makes a false return commits an offence and is liable, on conviction, to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment. Additionally, the section provides that a person who sells or distributes a newspaper whose publisher has not complied with section 7 or 8 also commits an offence and is liable, upon conviction, to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months, or to both.
11. Another requirement under the Act is that that of the Bond to be executed and delivered to the Registrar, with sureties. Section 11 prohibits a person from printing or publishing a newspaper unless they have executed a bond of one million Kenya shillings and deposited the same with the Registrar, and provided a surety approved by the Registrar. The bond is to constitute a security that may be for or towards the payment of any monetary penalty or damages (including for libel) that may be imposed on the printer or publisher, or a fine meted out as a penalty for an offence under the Act.
12. Under section 13 a new bond must be executed in the event a surety provided for the bond proposes to withdraw from the bond, dies, leaves Kenya without leaving behind sufficient property to cover the his or her guaranteed portion of the bond, is declared bankrupt, pays his or her guaranteed portion of the surety. Similarly a new bond must be executed if the bond deposited with the Registrar is applied towards satisfying a claim or fine against the printer or publisher.
13. Section 14 criminalizes the act of printing and publishing a newspaper without having executed a bond. Penalty for printing or publication without bond. On conviction for a first offence, a person is liable to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding three years, or to both; and for a second or subsequent offence, to imprisonment for a term not exceeding five years and prohibition from printing any newspaper in Kenya or publishing any newspaper printed in Kenya.
14. Section 17 requires the name and address of the printer and of the publisher and the name of the place of printing and publication to be printed legibly either on the first page or last page of a newspaper. Where a newspaper contravenes this requirement, the printer or publisher shall be are liable, on conviction, to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment, in addition the court being at liberty to order that all copies of the newspaper in the custody of the court or in the possession of the offender to be forfeited or destroyed.
15. Section 18 imposes an obligation on a printer to retain a copy of each newspaper they print for a period of six months after the date of the printing and indicate on the copy the name and the business, residential or postal address of the person who commissioned the printing. Contravention of this requirement constitutes an offence for which, if convicted,

the printer shall be liable to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Media Council Act, 2013

16. The Media Council Act, 2013 gives effect to Article 34 (5) of the Constitution. It establishes the Media Council of Kenya as the body that sets media standards and regulates and monitors compliance with those standards.
17. The Media Council of Kenya is an independent national institution established by the Media Council Act 2013 for purposes of setting of media standards and ensuring compliance with those standards. The Council started as a self-regulating body in 2004 to regulate media industry in Kenya but transited through the Media Act 2007 and adopted co-regulation media regulation approach, where board members and the Secretariat while receiving government funds to support some of its activities, remain very independent in their operations and are not subject to any form of control.
18. The Media Council Act has adopted a co-regulation model of media regulation, where the industry, the public as well the government collaborate to ensure there is professionalism and accountability in the media industry as they serve the Kenyan public.
19. The policy organ is the Council with a chairperson assisted by a deputy, who are supported by the Finance and Administration, Ethics and Public Information, Training and Accreditation and Audit Committees and an Independent Complaints Commission.
20. The Council is mandated to, among others—
 - (a) accredit local and foreign journalists by certifying their competence, authority or credibility against official standards based on the quality and training of journalists in Kenya including the maintaining of a register of journalists, media enterprises and such other related registers as it may deem fit and issuance of such document evidencing accreditation with the Council as the Council shall determine;
 - (b) establish media standards and regulate and monitor compliance with the media standards;
 - (c) facilitate resolution of disputes between the government and the media and between the public and the media and intra media; and
 - (d) compile and maintain a register of accredited journalists, foreign journalists, media enterprises and such other related registers as it may consider necessary.
21. Under the Act, journalists are obliged to ensure that the freedom and independence of media is exercised in a manner that respects the rights and reputations of others.

22. It also demands that journalists or the media should protect national security, public order, public health and public morals.
23. Section 27 of the Act establishes a Complaints Commission ('Commission') independent from the Council to enforce media standards set the by the Council by arbitrating disputes between the public and the Media; the government and the media; and media players themselves.
24. In general, complaints must constitute a breach of the Code of Conduct for the Practice of Journalism in Kenya found in the Second Schedule of the Media Council Act, 2013. The Code has 25 Articles incorporating the "do's and don'ts" of the media including fairness and accuracy, right of reply, use of unnamed sources, misrepresentation, privacy, use of pictures and names, integrity, accountability, obscenity and bad taste, intrusion into grief and shock, protection of children and victims of sexual violence, acts of violence and hate speech.
25. After hearing a matter, the Commission may—
- (a) dismiss the complaint;
 - (b) order the offending party to publish an apology and correction in such manner as the Commission may specify;
 - (c) order the return, repair, or replacement of any equipment or material belonging to a journalist confiscated or destroyed;
 - (d) make any directive and declaration on freedom of expression;
 - (e) issue a public reprimand of the journalist or media enterprise involved;
 - (f) order the editor of the offending broadcast, print or on-line material to publish the Commission's decision in such manner as specified by the Commission;
 - (g) impose a fine of not more than five hundred thousand shillings (Kshs. 500, 000) on any respondent media enterprise and a fine of not more than one hundred thousand shillings (Ksh. 100,000), on any journalist found to have violated the Act or Code of Conduct. Such a fine shall be a debt due to the Council and recoverable as such;
 - (h) in its reasons for its findings, record a criticism of the conduct of the complainant in relation of the Complaint, where such criticism is necessary;
 - (i) recommend to the Council the suspension or removal from the register of the journalist involved;
 - (j) make any extra orders or directions that it may consider necessary for carrying into effect orders or directives made.

4.0 SUBMISSIONS

4.1 Meeting with the Petitioner

On 18th October, 2018, the Committee met with the petitioner, Mr. Khalid Njiraini who submitted that—

26. Citizen Newspaper has been in circulation in Kenya as a weekly newspaper for the last seventeen years.
27. Mr. Tom Alwaka from Luanda Constituency in Vihiga County is the Chief Executive Officer of the Headlink Publishers Limited which publishes the Citizen newspaper.
28. The newspaper has been publishing negative stories touching on the petitioner.
29. He sued the newspaper in the High court in Kisumu, Civil Suit No.197 of 2011 and was awarded Kshs.2, 200,000 for damages. However, the petitioner could not locate or serve the judgement because the newspaper has no known physical address or printing press.
30. On 22nd April, 2018, the petitioner wrote a letter to the Registrar General, Office of the Attorney General & Department of Justice to confirm if the newspaper was registered.
31. In a letter dated 22nd April, 2015, the Deputy Registrar of Societies responded indicating that the newspaper was not registered by the office of the Attorney General under the Books, Newspaper & Magazines Act. Cap 111;
32. He wrote a letter to the Director General, National Intelligence Service on 6th October, 2018 indicating that he had been receiving several phone calls from a person claiming to be the owner of the Citizen Newspaper. The person alleged that the newspaper is protected by National Intelligence Service which provides information for publishing.
33. Citizen Weekly newspaper has never paid any judicial judgements given by the Kenyan courts despite of the fact that so many people and institutions have filed and won cases against the newspaper.
34. He had established from private investigations that the newspaper has never paid taxes to the Kenya Revenue Authority.

35. So many Kenyans including public figures and public figures have been victimized by the activities of the Citizen newspaper
36. On 22nd April, 2015 he wrote to the Inspector General informing that the newspaper was circulating illegally and that the AG should take action against the publishers of the newspaper. However, no response was provided to date
37. The matters under the petition are not pending before any court of law or constitutional body;
38. Therefore, the petitioner prays that the National Assembly through the Committee-
- i. Invites the petitioners to appear before it to prosecute and present appropriate documentation
 - ii. Summons the Office of the Attorney General and the Inspector General of the Police to appear before it and explain;-
 - (a) Why it has failed to take action to deter the circulation or otherwise to regulate activities of the Citizen Newspaper and;
 - (b) What steps it will take to resolve the matter

4.2 Meeting with the Chief Executive Officer, Media Council of Kenya

The CEO, Mr. David Omwoyo appeared before the Committee on 25th October and 8th November, 2018 and submitted that;

39. The Citizen Weekly newspaper, Headlink Publishers Limited and their journalists are not accredited by the Media Council of Kenya;
40. The Citizen Weekly newspaper and Headlink Publishers Limited are in breach of ethical and media standards because they have refused and or neglected to be accredited by the Media Council of Kenya;
41. The Media Council had written a letter to the Attorney General requesting to be provided with a list of registered newspapers, however, no response was provided to date.
42. Mr.Khalid Njiraini had never filed a complaint against Citizen Weekly Newspaper with the Media Council of Kenya.
43. The Media Council of Kenya has taken the following measures to ensure that all the newspapers are accredited and regulated -

- (i) To enhance awareness and ensure compliance with the Act by journalists and media enterprises, the Council has taken a number of measures to communicate to all key stakeholders through adverts published in the Council's social media pages, newspaper and professional whatsapp groups
 - (ii) The Council has issued media advisories on journalists practicing in the Country without accreditation. This has been sent to news room and the public has been notified on the same through the Media literacy Forums and during appearances on press pass which is a program run by the Nation Media Group on Mondays.
44. The Media Council of Kenya has never accredited any journalist working for the Head link Publishers Limited and has only received levies for one quarter of 2014 a total of Kshs.30, 000.
45. Legislative gaps in the accreditation and regulation process and measures to mitigate include the following;-
- (i) The accreditation process for the local journalists should be expressly stated in the Act as is the case of foreign journalists under sec 46 of the Act.
 - (ii) Media enterprises should be required to seek accreditation from MCK as a way to ensure they are properly registered.
46. There was need to amend the Books and Newspapers Act Cap 111 to ensure that the registration of newspapers is done by the Media Council of Kenya and not the Office of the Attorney General as provided for currently for proper registration.
47. A complaint was filed with the Complaints Commission by Mrs. Esther Passaris about an article published by the Citizen Weekly and after hearing the parties, and the Complaints Commission made the following orders;
- (i) Ordered Citizen Weekly to publish an apology and correction of the article in question however, the apology was not published;
 - (ii) Ordered Citizen Weekly to pay fine of one Million, two hundred thousand shillings for breaching various clauses of the code of Conduct for the Practice of Journalism, however, the fine remains unpaid.
 - (iii) Issued public reprimand to the Citizen Weekly pursuant to section 29(1) (c) of the Media Act 2007 (repealed)

- (iv) Non-compliance with orders of the Complaints Commission was exacerbated by the weak provisions on enforcement in the Media Act, 2007.

4.3 Meeting with the Chief Executive Officer, Headlink Publishers Limited

The CEO, Mr. Tom Alwaka accompanied by two editors and lawyer appeared before the Committee on 20th November, 2018 and submitted that:-

48. The petition refers to the “Citizen Newspaper” which is a newspaper not known to them. Headlink Publishers Limited is a duly registered limited liability company which publishes “Weekly Citizen Newspaper”;
49. Weekly Citizen Newspaper is a duly registered newspaper under the provisions of Books and Newspaper Act and the regulations made there under
50. The offices of the Headlink Publishers Limited are located at Summit House on 3rd Floor room 301 off Moi Avenue in Nairobi;
51. Headlink Publishers Limited is duly registered as tax payer with the Kenya Revenue Authority and has always been tax compliant
52. Weekly Citizen is recognized by the Media Council of Kenya who have received subscription fees from the newspaper and its officials visited and held meetings in their offices
53. In 2014, a subscription fee of Kshs.30, 000 was paid to the Media Council of Kenya for the months of January, February and March, 2014.
54. Headlink publishers Limited has never been notified of their expired subscription by the Media Council of Kenya.
55. The petitioner has never filed a complaint against the newspaper with the Media Council of Kenya
56. Headlink Publishers Limited has on several occasions applied for subscription with the Media Council of Kenya however, their applications are never considered. Headlink Publishers Limited has approximately ten employees and several news correspondents countrywide.

4.4 Submissions from the Office of the Attorney General

In a letter dated 16th November, 2018 the Registrar of Companies, submitted that-

57. Headlink Publishers Limited was registered on 21st January, 2004 and the registration number is C.107789. The office is situated at Lr209/9256 Summit House, Moi Avenue Nairobi
58. The directors of the said company are Mr. Wycliffe Mukuzi with a total 200 ordinary shares and Mr. Astin Matsalia with a total of 200 ordinary shares.
59. Further, the Registrar of Societies submitted that the Citizen newspaper has never been registered with the Office and that Headlink Publishers limited is not registered as a society.

5.0 COMMITTEE OBSERVATIONS

Having held meetings to consider the petition, the Committee observed that—

1. Accreditation of journalists and media enterprises

- a) The Media Council of Kenya has published the rates of levies payable to the MCK by all media enterprises operating in Kenya and the newspaper publishers are required to pay Kshs.10, 000 per month. From the submissions, Headlink Publishers Limited had only made a payment of Kshs.30, 000 as levies for the months of January, February and March in 2014.(Annex 8)
- b) MCK has not accredited any journalist working with the Headlink Publishers Limited as per the list submitted by the MCK on registered journalists in Kenya. (Annex 9)

2. Complaints Commission

Section 27 of the MCK Act, 2013 establishes a Complaints Commission that enforces media standards and has powers to make necessary orders in the event there is a breach of the provisions of the Act. As per the provisions of the Act the petitioner, Mr.Khalid Njiraini had never filed a complaint against the newspaper with the Commission.

3. Registration with the Office of the Attorney General

The Registrar of Companies submitted that Headlink Publishers Limited was registered as a company on 21st January 2004 and has two directors namely Wycliffe Mukuzi and Astin Matsalia. The registration number of the Company is C.107789 (Annex 8)

4. Physical address

The Committee noted that the Headlink Publishers Limited offices are situated at Summit House 3rd Floor room 301 off Moi Avenue as submitted by the Office of the Attorney General.

5. Legislative gaps in the accreditation and regulation

The accreditation process for the local journalists is not expressly stated in the Act as is the case of foreign journalists under sec 46 of the MCK Act, 2013.

6.0 COMMITTEE RECOMMENDATIONS

In response to the prayers sought by the petitioner, the Committee made the following recommendations;

Prayer one

The petitioner sought to be invited to appear before the Committee to prosecute the petition and present appropriate documentation

Response

The petitioner was invited to appear before the Committee on 18th October, 2018 whereby he made both oral and written submissions.

Prayer two

The petitioner prayed that the Committee summons the Office of the Attorney General and the Inspector General of the Police to appear before it and explain;

- a) Why it has failed to take action to deter the circulation or otherwise to regulate activities of the Citizen Newspaper and;
- b) What steps it will take to resolve the matter

Response

The Committee;

- (i) Invited the Media Council of Kenya which is established for purposes of setting of media standards and ensuring compliance with those standards as set out in Article 34(5) of the Constitution.
- (ii) Further the Committee wrote to the Office of the Attorney General to make submissions of the registration of Headlink Publishers Limited

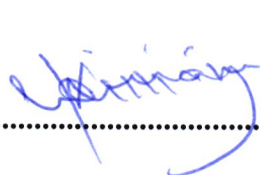
The Committee therefore recommends;

- (i) The Petitioner in pursuit of his allegations should proceed to exhaust all legal remedies against Headlink Publishers Limited that publishes the Weekly Citizen, as it is registered with the Office of the Attorney General and has a known physical address.
- (ii) The petitioner to file a complaint against the newspaper with the Complaints Commission, that enforces media standards and makes necessary orders in the event there is a breach of the provisions of the Act.

The Committee further recommends;

- (i) The amendment of Media Council Act to provide for accreditation of local journalists and to operationalize a complaints desk
- (ii) The Media Council of Kenya to formulate and publish regulations to govern the alternative media practice and journalist.

SIGNED.....



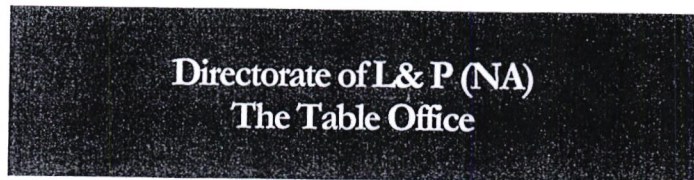
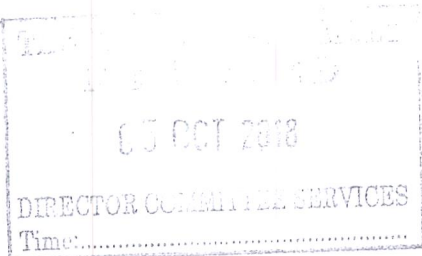
DATE.....

25/11/2018

HON. WILLIAM KISANG MP, CHAIRPERSON

**DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION AND
INNOVATION**

ANNEXTURE 1



MEMO

TO : DIRECTOR, COMMITTEE SERVICES

FROM : PRINCIPAL CLERK ASSISTANT I
(HEAD OF TABLE OFFICE)

DATE : OCTOBER 04, 2018

SUBJECT : PUBLIC PETITION

The following Petition was presented to the House, on Tuesday, October 04, 2018:-

- Conveyance regarding failure by Government to regulate activities of the Citizen Newspaper (referred to the Departmental Committee on Communication, Information and Innovation).

Enclosed, please find attached Petition for your necessary action.


RANA K. TIAMPATI
(Encls.)

Copy to: -

1. Clerk of the National Assembly
2. Director of Legislative & Procedural Services
3. Chairperson, Departmental Committee on Communication, information and Innovation
4. Chairperson, Committee on Implementation

EMGJG
pls deep
FA
08/10/18

Hon. Speaker

Submitted for your
approval.

[Signature]

02/10/18



REPUBLIC OF KENYA
TWELFTH PARLIAMENT - (SECOND SESSION)
THE NATIONAL ASSEMBLY
PUBLIC PETITION
(No. 106 of 2018)

Approved
[Signature]
SNA
2/10/18

**REGARDING FAILURE BY GOVERNMENT TO REGULATE ACTIVITIES
OF THE CITIZEN NEWSPAPER**

Honourable Members,

Standing Order 225(2)(b) requires that the Speaker reports to the House any Petition other than those presented through a Member. I therefore wish to convey to the House that my office has received a Petition from one Mr. Khalid Njiraini Tianga of Luanda Constituency regarding unregulated circulation of the Citizen Newspaper.

Honourable Members,

The Petitioner avers that the newspaper has been publishing negative stories touching on him and as a result, he sued the newspaper and was awarded a Kshs.2,200,000 but he has been unable to execute the Judgement as the newspaper has no known physical office. The Petitioner further contends that the newspaper is still in circulation yet it is not registered and his efforts to obtain an explanation from the Inspector General of Police have been futile.

Honourable Members,

The Petitioner therefore prays that the National Assembly:

(i) causes investigations into the matter with a view to establishing the reasons for the failure by the offices of the Attorney General and Inspector General of Police to deter the circulation and regulate the activities of the Citizen Newspaper; and

(ii) recommends steps which will be taken to resolve the matter.

Honourable Members,

This Petition therefore stands committed to the Departmental Committee on Communication, Information and Innovation for consideration. The Committee is requested to consider the Petition and report its findings to the House and petitioners in accordance with Standing Order 227(2).

I thank you!



THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY
Wednesday, August 29, 2018

Drafted.

~~DLSP~~ DLSP
This is ok for tabling

30/07

MEMO

TO

: THE SENIOR DEPUTY CLERK OF THE NATIONAL ASSEMBLY

③ Head, Table Office
ps Deal.
proposed
11/8/18

THRO'

: THE DEPUTY DIRECTOR, LEGAL SERVICES- NA

Forwarded. The petition may be tabled
for consideration if you approve.
Dmn. 30/07/18

THRO'

: PRINCIPAL LEGAL COUNSEL II

I am agreeable, the petition may be
tabled for consideration. The petitioner
has made efforts to have the matter addressed
by the relevant bodies but has received no response
further, it is within the Authority
of the M/A to address this matter.

FROM

: LEGAL COUNSEL II

DATE

: 30 JULY 2018

RE: PUBLIC PETITION TO THE NATIONAL ASSEMBLY ON THE FAILURE OF
THE GOVERNMENT TO REGULATE THE ACTIVITIES OF THE CITIZEN
NEWSPAPER

30/7/2

We refer to the above petition and your instructions dated 24th July 2018.

We note that the Petitioner, Mr. Khalid Njiraini Tianga draws the attention of the House to the continued unregulated circulation of the Citizen Newspaper. He notes, in the Petition, that the newspaper has been publishing negative stories touching on him. As a result, the Petitioner sued the newspaper and was awarded Kshs. 2,200,000/- but has been unable to execute the judgment as the newspaper has no known physical office. The Petitioner notes that the newspaper is still in circulation yet it is not registered and his efforts to obtain an explanation from the Inspector General of Police on why the newspaper is still permitted to remain in circulation have yet to elicit a reply. He concludes the Petition by praying that the House, through the relevant Departmental Committee—

(a) invites him to appear before it to prosecute and present appropriate documentation;

③ Miriam Mado.
please prepare the
petition. Akain.
2/8/2018

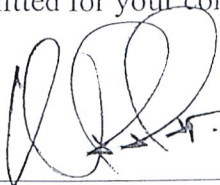
(b) summons the office of the Attorney General and the Inspector General of Police to appear before it and explain—

- (i) why it has failed to take action to deter the circulation or otherwise regulate the activities of the Citizen newspaper;
- (ii) what steps will be taken to resolve the matter.

We have perused the Constitution, the Petition to Parliament (Procedure) Act, 2012 and the National Assembly Standing Orders and advise that the Petition is within the authority of Parliament with regard to deliberation and resolution of issues of concern to the people.

In the circumstances, the petition may be forwarded to the Speaker for tabling in the House.

Submitted for your consideration and further directions.

A handwritten signature in black ink, appearing to be 'Ronald Walala', written over a horizontal line.

Ronald Walala
Legal Counsel
NATIONAL ASSEMBLY.

DLS
no advice
CMH

**PUBLIC PETITION TO THE NATIONAL ASSEMBLY ON THE FAILURE OF THE GOVERNMENT TO
REGULATE THE ACTIVITIES OF THE CITIZEN NEWSPAPER BY KHALID NJIRAINI TIANGA**

24/12

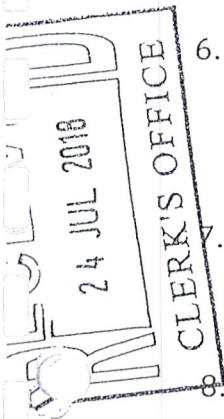
I, the undersigned citizen of Kenya formally lodge this petition concerning: the failure of the Government to regulate the activities of the Citizen Newspaper.

I DRAW the attention of the house to the following, that:

1. The Citizen Newspaper has been in circulation in Kenya as a weekly newspaper for the last 17 years.
2. The Newspaper has been publishing negative stories touching on the Petitioner;
3. The Petitioner sued the Newspaper in the High Court in Kisumu, Civil Suit no 197 of 2011 and was awarded Kshs 2,200,000.
4. The Petitioner cannot locate or serve the judgment because the Newspaper has no known physical offices or printing press premises.
5. Yet it is in circulation and selling every week with newspaper vendors all over the country.
6. On 22/04/2015 the Petitioner wrote a letter to the Registrar General Office of the Attorney General & Department of Justice to confirm if the Newspaper was registered and wrote back and communicated that the Newspaper was not registered.
7. On 22/04/2015 the Petitioner wrote to the Inspector General of Police Kenya demanding to know why the Police to find out why the latter would permit an illegal newspaper to remain in circulation but has never received a response.
8. The Petitioner has established from private investigations that the Newspaper has never paid taxes to the Kenya Revenue Authority.
9. So many Kenyans including public figures and public officers have been victimized the activities of the Citizen Newspaper.
10. The matters addressed under this petition are not pending before any court of law or constitutional body.

THEREFORE, your humble petitioner PRAYS that the National Assembly through the relevant Departmental Committee:

- (a) invites the petitioners to appear before it to prosecute and present appropriate documentation;
- (b) summons the Office of the Attorney General and the Inspector General of the Police to appear before it and explain—



PUBLIC PETITION TO THE NATIONAL ASSEMBLY ON THE FAILURE OF THE GOVERNMENT TO
REGULATE THE ACTIVITIES OF THE CITIZEN NEWSPAPER BY KHALID NJIRAINI TIANGA

- (i) why it has failed to take action to deter the circulation or otherwise to
regulate activities of the Citizen Newspaper and
(ii) what steps it will take to resolve the matter;

And your PETITIONER will ever pray.

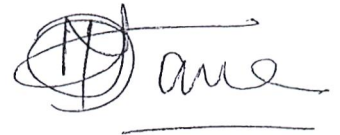
NAME OF FULL ADDRESS
PETITIONER

NATIONAL I.D/
PASSPORT NO.

SIGNATURE/
THUMB
IMPRESSION

KHALID NJIRAINI
TIANGA

10800957



P.O. BOX 328 - 50307

LUANDA,

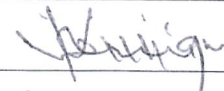
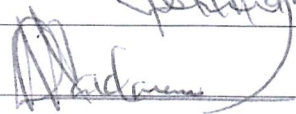
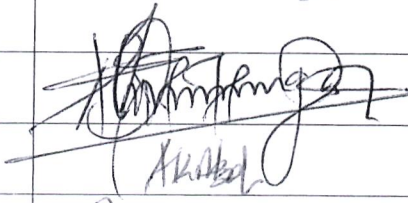
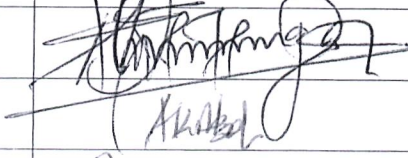
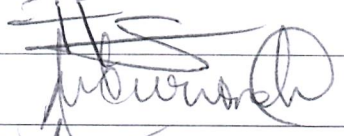
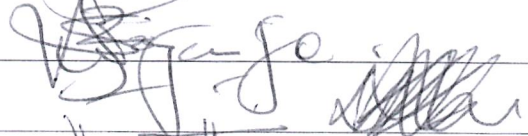
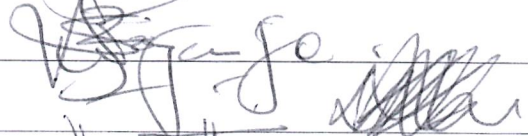
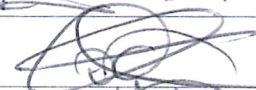
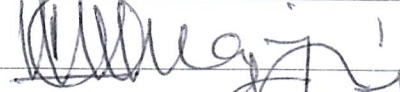
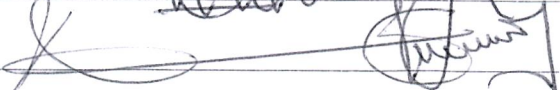
KENYA

ANNEXTURE 2

**THE DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION
AND INNOVATION**

MEMBERS ADOPTION LIST

Adoption of report on the petition regarding failure by Government to regulate activities of Weekly Citizen Newspaper by Mr.Khalid Njiraini

NO.	NAME	SIGNATURE
1.	Hon. Kisang, William Kipkemoi, M.P - Chairperson	
	Hon.George, Macharia Kariuki, M.P - Vice – Chairperson	
3.	Hon.Liza, Chelule Chepkorir, M.P.	
4.	Hon.Alfah, O. Miruka, M.P.	
5.	Hon. Annie Wanjiku Kibeh, M.P.	
6.	Hon. Joshua Kimilu, Kivinda, M.P.	
7.	Hon.Marwa Kitayama Maisori, M.P.	
8.	Hon.Mwambu Mabongah, M.P.	
9.	Hon.Maritim Sylvanus, M.P.	
10.	Hon.Mwangaza Kawira, M.P.	
11.	Hon. Jonah Mburu, M.P.	
12.	Hon. Gertrude Mbeyu Mwanyanje,M.P	
13.	Hon.Wamuchomba, Gathoni, M.P.	
14.	Hon.(Eng).Mark Nyamita Ogola,M.P	
15.	Hon. John Kiarie Waweru, M.P.	
16.	Hon. Erastus Nzioka Kivasu, M.P.	
17.	Hon. Godfrey Osotsi, Atieno , M.P.	
18.	Hon. Innocent Momanyi, Obiri, M.P.	
19.	Hon.Anthony, Tom Oluoch, M.P.	

ANNEXTURE 3

**MINUTES OF THE 96TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
COMMUNICATION, INFORMATION AND INNOVATION HELD AT TAMARIND
VILLAGE HOTEL, MOMBASA ON SUNDAY 25TH NOVEMBER, 2018 AT 10.30AM**

PRESENT

1. **Hon. William Kipkemai, M.P.** -Chairperson
2. **Hon. George Macharia Kariuki, M.P.** -Vice- Chairperson
3. Hon. Marwa Kitayama Maisori, M.P
4. Hon. Innocent Momanyi Obiri, M.P
5. Hon. Joshua Kimilu Kivinda, M.P.
6. Hon. Jonah Mburu, M.P
7. Hon. Erastus Nzioka Kivasu, M.P
8. Hon. Alfah O. Miruka, M.P
9. Hon. (Eng.). Mark Nyamita, M.P
10. Hon. Annie Wanjiku Kibeh, M.P
11. Hon. Maritim Sylvanus, MP
12. Hon. Mwambu Mabongah, M.P.
13. Hon. Mwangaza Kawira, M.P
14. Hon. John Kiarie Waweru, M.P
15. Hon. Gertrude Mbeyu Mwanyanje, M.P
16. Hon. Anthony Oluoch, M.P.
17. Hon. Godfrey Osotsi Atieno, M.P
18. Hon. Wamuchomba Gathoni, M.P

APOLOGIES

1. Hon. Liza Chelule Chepkorir ,M.P

IN ATTENDANCE

National Assembly Secretariat

1. Ms.Ella Kendi - Clerk Assistant III
2. Mr. Sidney Lugaga - Legal Counsel II
3. Ms. Catherine Burure - Fiscal Analyst III
4. Mr.Eugene Apaa - Research Officer III
5. James Kimiti - Audio Officer
6. Wilson Angatangoria - Serjeant at arms

MIN.NO./NA/CII/2018/362 PRELIMINARIES

The meeting was called to order at thirty minutes past nine o'clock followed by a word of prayer.

MIN.NO/NA/CII/2018/361: CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING

The agenda was deferred to the next sitting

MIN.NO/NA/CII/2018/363: CONSIDERATION AND ADOPTION OF THE REPORT ON THE PETITION REGARDING FAILURE BY GOVERNMENT TO REGULATE ACTIVITIES OF CITIZEN NEWSPAPER

The report on petition regarding failure by government to regulate activities of Citizen Newspaper was considered and subsequently adopted having been proposed by Hon.George Kariuki,MP and seconded by Hon.Joshua Kimilu,MP respectively.

The report was adopted with the following observations and recommendations-

The Committee observed that;

1. Accreditation of journalists and media enterprises

- a) The Media Council of Kenya has published the rates of levies payable to the MCK by all media enterprises operating in Kenya and the newspaper publishers are required to pay Kshs.10, 000 per month. From the submissions, Headlink Publishers Limited had only made a payment of Kshs.30, 000 as levies for the months of January, February and March in 2014.(Annex 8)
- b) MCK has not accredited any journalist working with the Headlink Publishers Limited as per the list submitted by the MCK on registered journalists in Kenya. (Annex 9)

2. Complaints Commission

Section 27 of the MCK Act, 2013 establishes a Complaints Commission that enforces media standards and has powers to make necessary orders in the event there is a breach of the provisions of the Act. As per the provisions of the Act the petitioner, Mr.Khalid Njiraini had never filed a complaint against the newspaper with the Commission.

3. Registration with the Office of the Attorney General

The Registrar of Companies submitted that Headlink Publishers Limited was registered as a company on 21st January 2004 and has two directors namely Wycliffe Mukuzi and Astin Matsalia. The registration number of the Company is C.107789 (Annex 8)

4. Physical address

The Committee noted that the Headlink Publishers Limited offices are situated at Summit House 3rd Floor room 301 off Moi Avenue as submitted by the Office of the Attorney General.

5. Legislative gaps in the accreditation and regulation

The accreditation process for the local journalists is not expressly stated in the Act as is the case of foreign journalists under sec 46 of the MCK Act, 2013.

COMMITTEE RECOMMENDATIONS

In response to the prayers sought by the petitioner, the Committee made the following recommendations;

Prayer one

The petitioner sought to be invited to appear before the Committee to prosecute the petition and present appropriate documentation

Response

The petitioner was invited to appear before the Committee on 18th October, 2018 whereby he made both oral and written submissions.

Prayer two

The petitioner prayed that the Committee summons the Office of the Attorney General and the Inspector General of the Police to appear before it and explain;

- a) Why it has failed to take action to deter the circulation or otherwise to regulate activities of the Citizen Newspaper and;
- b) What steps it will take to resolve the matter

Response

The Committee;

- (i) Invited the Media Council of Kenya which is established for purposes of setting of media standards and ensuring compliance with those standards as set out in Article 34(5) of the Constitution.
- (ii) Further the Committee wrote to the Office of the Attorney General to make submissions of the registration of Headlink Publishers Limited

The Committee therefore recommends;

- (i) The Petitioner in pursuit of his allegations should proceed to exhaust all legal remedies against Headlink Publishers Limited that publishes the Weekly Citizen, as it is registered with the Office of the Attorney General and has a known physical address.
- (ii) The petitioner to file a complaint against the newspaper with the Complaints Commission, that enforces media standards and makes necessary orders in the event there is a breach of the provisions of the Act.

**MIN.NO/NA/CII/2018/364: CONSIDERATION AND ADOPTION OF THE REPORT
ON PRE-PUBLICATION SCRUTINY OF THE KENYA
INFORMATION AND COMMUNICATIONS
(AMENDMENT) BILL, 2018**

The report on pre-publication scrutiny of the Kenya Information and Communications (Amendment) Bill, 2018 was considered and subsequently adopted having been proposed by Hon.Anthony Oluoch,MP and seconded by Hon.Jonah Mburu, MP.

The report was adopted with the following observations and recommendation-

The Committee observed that;

1. The provisions regulating licensing of social media platforms under Section 841A would present challenges in implementation because -
 - (a) it seeks to limit Articles 31 on the right to privacy and 34 on the freedom of the media of the Constitution of Kenya without clarifying and specifying about the right or freedom to be limited and the nature and extent of the limitation.
 - (b) Majority of social media platforms are registered and governed by laws of another country, e.g. with Facebook having its head office in Menlo Park, California, United States, and established for various purposes other than communication.

- (c) Establishment of a social media platform entails the creation of a website which is a literary work governed under copyright law and managed by a domain name which is regulated under Kenic (in Kenya by anyone using the .ke domain) and KIPI (Trademark).
2. Section 84 1C on social media user responsibility is better regulated through the creation of offences under the Computer Misuse and the Cybercrimes Act of 2018 and further it seeks to limit the freedom of expression under Article 33 of the Constitution without clarifying and specifying about the right or freedom to be limited and the nature and extent of the limitation.
 3. Section 84 1B on sharing of information appears to contravene Article 31 of the Constitution which provides for the right to privacy without clarifying and specifying about the right or freedom to be limited and the nature and extent of the limitation.
 4. The proposal would generally stifle economic activity in Kenya insofar as it would discourage social media platforms from registering and operating in Kenya as there are several persons who conduct trade over social media platforms and raise the cost of Government in communication with the public especially for those entities that operate feedback pages which are free to the public and anchored on social media platforms.

Committee recommendation

Having analysed the legislative proposal and submissions from the stakeholders, the Committee recommends that the legislative proposal should not be published.

MIN.NO/NA/CII/2018/365: CONSIDERATION AND ADOPTION OF THE REPORT ON MEETING WITH AMAZON WEB SERVICES AND RELATED ICT COMPANIES HELD IN WASHINGTON DC ON 4TH TO 8TH SEPTEMBER, 2018

The report on Meeting with Amazon Web Services and Related ICT Companies held in Washington Dc on 4th to 8th September, 2018 was considered and subsequently adopted

having been proposed and seconded by Hon.Joshua Kimilu,MP and seconded by Hon.Gertrude Mbeyu,MP. The report was adopted with the following observations and recommendations.

The delegation observed that;

- (a) Kenya enjoys strong bilateral relations with the US as evidenced by the conclusion of various agreements and Memoranda of Understanding between the two Nations during the state visit by H.E. President Uhuru Kenyatta. Key among the memoranda was the one signed with regard to financing the government's Digital Government and National ICT Network project through qualifying US ICT corporations;
- (b) There exists viable avenues for collaboration between Government of Kenya and AWS for the provision of public services by leveraging on their cloud solutions;
- (c) There exists a viable avenue for collaboration between PCK and AWS with regard to e-commerce by leveraging on the existing AWS platform;
- (d) Implementation of the Government's Digital Government and National ICT Network project with the technical support of established ICT companies will enhance the country's security and grow its economy.

The delegation recommends that;

that the National Assembly uses its oversight and legislative mandate to support the use of ICT in the provision of government services, taking into account the need to leverage on ICT for the future growth and development of the country.

MIN.NO/NA/CII/2018/366 ADJOURNMENT

There being no other business, the meeting was adjourned at twenty two minutes past one o'clock.

SIGNED.....DATE.....

HON.WILLIAM KISANG, MP - CHAIRPERSON

**MINUTES OF THE 91ST SITTING OF THE DEPARTMENTAL COMMITTEE ON
COMMUNICATION, INFORMATION AND INNOVATION HELD IN BOARDROOM
ON 11TH FLOOR PROTECTION HOUSE, PARLIAMENT BUILDINGS ON
TUESDAY 20TH NOVEMBER , 2018 AT 12.00PM**

PRESENT

1. **Hon. William Kipkemai, M.P.** -Chairperson
2. Hon. Marwa Kitayama Maisori, M.P
3. Hon. Innocent Momanyi Obiri, M.P
4. Hon. Joshua Kimilu Kivinda, M.P.
5. Hon. Jonah Mburu, M.P
6. Hon. Erastus Nzioka Kivasu, M.P
7. Hon. Liza Chelule Chepkorir ,M.P
8. Hon. Alfah O. Miruka, M.P
9. Hon. (Eng.). Mark Nyamita, M.P
10. Hon. Annie Wanjiku Kibeh,M.P
11. Hon. Maritim Sylvanus,MP
12. Hon. Mwambu Mabongah, M.P.
13. Hon. Mwangaza Kawira, M.P
14. Hon. Gertrude Mbeyu Mwanyanje, M.P
15. Hon. Anthony Oluoch, M.P.
16. Hon. Godfrey Osotsi Atieno, M.P
17. Hon. Wamuchomba Gathoni, M.P

APOLOGIES

1. **Hon. George Macharia Kariuki, M.P.** -Vice- Chairperson
2. Hon. John Kiarie Waweru, M.P

IN ATTENDANCE

National Assembly Secretariat

- | | | |
|-------------------|---|---------------------|
| 1. Ms.Ella Kendi | - | Clerk Assistant III |
| 2. Ms.Emma Esendi | - | Legal Counsel II |
| 3. Ms.Mary Atieno | - | Office Assistant |

Headlink Publishers Limited

- | | | |
|---------------------|---|------------------------|
| 1. Mr.Tom Alwaka | - | Chief Executive Office |
| 2. Mr.Stan Lubekelo | - | Editor |

3. Mr. Wisnton Ngara - Lawyer

MIN.NO./NA/CII/2018/342 PRELIMINARIES

The meeting was called to order at twelve o'clock followed by a word of prayer.

**MIN.NO/NA/CII/2018/343: CONFIRMATION OF THE MINUTES OF THE
PREVIOUS MEETING**

The agenda was deferred to the next sitting

**MIN.NO/NA/CII/2018/344: MEETING WITH THE CEO HEADLINK PUBLISHERS
TO CONSIDER A PETITION REGRADING FAILURE
BY GOVERNMENT TO REGULATE ACTIVITIES OF
CITIZEN NEWSPAPER**

Mr. Tom Alwaka, the Chief Executive Officer informed the Committee that;-

1. The petition refers to the "Citizen Newspaper" which is a newspaper not known to them. Headlink Publishers Limited is a duly registered limited liability company which publishes "Weekly Citizen Newspaper";
2. Weekly Citizen Newspaper is a duly registered newspaper under the provisions of Books and Newspaper Act and the regulations;
3. The offices of the Headlink Publishers Limited are located at Summit House on 3rd Floor room 301 off Moi Avenue in Nairobi;
4. Headlink Publishers Limited is duly registered as tax payer with the Kenya Revenue Authority and has always been tax compliant;
5. Weekly Citizen is recognized by the Media Council of Kenya who have received subscription fees from the newspaper and its officials visited and held meetings in their offices;
6. In 2014, subscription fee of Kshs.30, 000 was paid to the Media Council of Kenya for the months of January, February and March, 2014;
7. Headlink publishers Limited has never been notified of their expired subscription by the Media Council of Kenya;
8. The petitioner had never filed a complaint against the newspaper with the Media Council of Kenya;
9. Headlink Publishers Limited has on several occasions applied for subscription with the Media Council of Kenya however, their applications are never considered; and

10. Headlink Publishers Limited has approximately ten employees and news correspondents countrywide.

Committee Observations

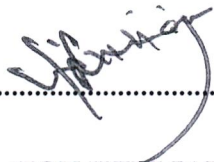
The Committee observed that-

1. Headlink Publishers Limited had only made a payment of Kshs.30, 000 as levies for the months of January, February and March in 2014.
2. The petitioner had never filed a complaint against the newspaper with the Media Council of Kenya;

MIN.NO/NA/CII/2018/345 ADJOURNMENT

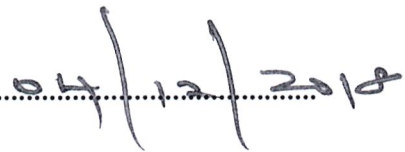
There being no other business, the meeting was adjourned at twenty minutes past one o'clock.

SIGNED.....



HON.WILLIAM KISANG, MP

DATE.....



CHAIRPERSON

**MINUTES OF THE 88TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
COMMUNICATION, INFORMATION AND INNOVATION HELD IN BOARDROOM
ON 11TH FLOOR PROTECTION HOUSE, PARLIAMENT BUILDINGS ON
THURSDAY 8TH NOVEMBER , 2018 AT 10.00AM**

PRESENT

- | | |
|--|---------------------------|
| 1. Hon. William Kipkemai, M.P. | -Chairperson |
| 2. Hon. George Macharia Kariuki, M.P. | -Vice- Chairperson |
| 3. Hon. Joshua Kimilu Kivinda, M.P. | |
| 4. Hon. Erastus Nzioka Kivasu, M.P | |
| 5. Hon. Annie Wanjiku Kibeh, M.P | |
| 6. Hon. Maritim Sylvanus, MP | |
| 7. Hon. Liza Chelule Chepkorir ,M.P | |
| 8. Hon. Marwa Kitayama Maisori, M.P | |
| 9. Hon. Alfah O. Miruka, M.P | |

APOLOGIES

1. Hon. Mwambu Mabongah, M.P.
2. Hon. Mwangaza Kawira, M.P
3. Hon. Gertrude Mbeyu Mwanyanje, M.P
4. Hon. Jonah Mburu, M.P
5. Hon. Wamuchomba Gathoni, M.P
6. Hon. Anthony Oluoch, M.P.
7. Hon. Godfrey Osotsi Atieno, M.P
8. Hon. Innocent Momanyi Obiri, M.P
9. Hon. John Kiarie Waweru, M.P
10. Hon. (Eng.). Mark Nyamita, M.P

IN ATTENDANCE

National Assembly Secretariat

- | | |
|-----------------------|---------------------|
| 1. Ms.Ella Kendi | Clerk Assistant III |
| 2. Mr.Ronald Walala | Legal Counsel II |
| 3. Catherine Burure | Fiscal Analyst |
| 4. Mr.Rahab Chepkilim | Audio Officer |
| 5. Mary Atieno | Office Assistant |

Media Council of Kenya

- | | |
|--------------------------|------------------------------------|
| 1. Mr.David Omwoyo | Chief Executive Officer (CEO) |
| 2. Minishi Bawan Terence | Manager Regulatory Affairs |
| 3. Mr.Leo Mutisya | Communications |
| 4. Ms.Lorine Achieng | Accreditation & Compliance Officer |
| 5. Mr.Paul Oyier | Communication Officer. |

MIN.NO./NA/CII/2018/328 PRELIMINARIES

The meeting was called to order at twenty minutes past ten o'clock followed by a word of prayer and introductions.

MIN.NO/NA/CII/2018/329: CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING

The agenda was deferred to the next sitting

MIN.NO/NA/CII/2018/330: MEETING WITH THE CEO, MEDIA COUNCIL OF KENYA (MCK)

The CEO appeared before the Committee and submitted that -

1. On whether or not Mr.Khalid had filed a complaint against Citizen Weekly Newspaper with the media Council of Kenya, it was indicated that no complaint has ever been filed by Mr.Khalid Njiraini against the Newspaper.
2. Measures taken by the Media Council of Kenya to ensure that all the newspapers are accredited and regulated were as follows;
 - a) To enhance awareness and ensure compliance with the Act by journalists and media enterprises, the Council has taken a number of measures to communicate to all key stakeholders through adverts published in the Council's social media pages, newspaper and professional whatsapp groups.
 - b) The Council has issued media advisories on journalists practicing in the Country without accreditation. This has been sent to news room and the public has been notified on the same through the Media literacy Forums and during appearances on press pass which is a program run by the Nation Media Group on Mondays.
3. The Media Council of Kenya has never accredited any journalist working for the Head link Publishers Limited and has only received levies for one quarter of 2014 a total of Kshs.30, 000.

4. Legislative gaps in the accreditation and regulation process and measures to mitigate were as follows;
 - a) The accreditation process for the local journalists should be expressly stated in the Act as is the case of foreign journalists under sec 46 of the Act.
 - b) Media enterprises should be required to seek accreditation from MCK as a way to ensure they are properly registered.
5. The challenges MCK was facing MKC were as follows;
 - a) With the collapse of Audit Bureau of Circulation in Kenya, the MCK has no exact figures of the exact number of newspapers in circulation.
 - b) Inadequate staff and financial constraint

The Committee observed that;

- a) There was need to amend the Books and Newspapers Act Cap 111 to ensure that the registration of newspapers is done by the Media Council of Kenya for regulation purpose.
- b) Currently there is no agency responsible for auditing the newspapers circulating in Kenya.
- c) The MCK is in the process of developing media policy that will provide guidelines and clarity on regulation of the media industry

MIN.NO/NA/CII/2018/331 ANY OTHER BUSINESS

1. Foreign travel

The Committee was informed that the balance for the 1st half FY 2018/19 was Kshs.834, 360 and that the funds will not be adequate to undertake the scheduled benchmark visit to Nigeria. However, the Chairperson indicated that the request to undertake the visit will be forwarded to the Liaison Committee to request for additional funds.

2. Draft Bill on Data Protection

The Committee was informed that there was a proposal by the Ministry of Information Communication and Technology, to have the said Bill sponsored by the Chairperson of the Committee for the process to be fast tracked.

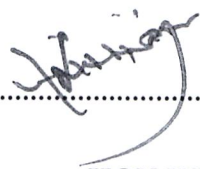
3. Consultative Forum

The Committee was informed that Content Development and Intellectual Property (Code IP) organization had invited the Committee to a consultative forum on privacy and data protection on 30th November and 1st December, 2018 at Boma Hotel, Nairobi

MIN.NO/NA/CII/2018/332 ADJOURNMENT

There being no other business, the meeting was adjourned at thirty minutes past twelve o'clock.

SIGNED.....



DATE.....

04/12/2018

HON.WILLIAM KISANG, MP - CHAIRPERSON

**MINUTES OF THE 87TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
COMMUNICATION, INFORMATION AND INNOVATION HELD IN BOARDROOM
ON 4TH FLOOR PROTECTION HOUSE, PARLIAMENT BUILDINGS ON
THURSDAY 25TH OCTOBER, 2018 AT 10.00AM**

PRESENT

1. **Hon. William Kipkemai, M.P.** -Chairperson
2. Hon. Mwangaza Kawira, M.P
3. Hon. Gertrude Mbeyu Mwanyanje, M.P
4. Hon. Liza Chelule Chepkorir ,M.P
5. Hon. Marwa Kitayama Maisori, M.P
6. Hon. Alfah O. Miruka, M.P
7. Hon. Anthony Oluoch, M.P.
8. Hon. Godfrey Osotsi Atieno, M.P
9. Hon. Innocent Momanyi Obiri, M.P
10. Hon. John Kiarie Waweru, M.P
11. Hon. (Eng.). Mark Nyamita, M.P

APOLOGIES

1. **Hon. George Macharia Kariuki, M.P.** -Vice- Chairperson
2. Hon. Mwambu Mabongah, M.P.
3. Hon. Joshua Kimilu Kivinda, M.P.
4. Hon. Erastus Nzioka Kivasu, M.P
5. Hon. Jonah Mburu, M.P
6. Hon. Annie Wanjiku Kibeh,M.P
7. Hon. Maritim Sylvanus,MP
8. Hon. Wamuchomba Gathoni, M.P

IN ATTENDANCE

National Assembly Secretariat

- | | |
|----------------------|---------------------|
| 1. Ms.Ella Kendi | Clerk Assistant III |
| 2. Mr.Ronald Walala | Legal Counsel II |
| 3. Mr.Elijah Ichwara | Audio Officer |

Media Council of Kenya

1. Mr.David Omwoyo Chief Executive Officer (CEO)
2. Mr.Leo Mutisya Manager
3. Ms.Lorine Achieng Accreditation & Compliance Officer
4. Mr.Paul Oyier Communication Officer.

MIN.NO./NA/CII/2018/323 PRELIMINARIES

The meeting was called to order at twenty minutes past ten o'clock followed by a word of prayer and introductions.

MIN.NO/NA/CII/2018/324: CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING

The agenda was deferred to the next sitting

MIN.NO/NA/CII/2018/325 BRIEFING FROM THE LEGAL COUNSEL ON PETITION REGARDING FAILURE BY GOVERNMENT TO REGULATE ACTIVITIES OF CITIZEN NEWSPAPER

The Legal Counsel briefed the Committee on the legal provisions as provided for under Books and Newspapers Act, Cap 111 and the Media Council Act, 2013.

It was further highlighted that in light of the legal provisions and in considering the Petition, the Committee may seek to interrogate—

- (i) Whether the newspaper complained of complies with the requirements of the Books and newspapers Act, Cap. 111 with regard to the deposit of its copies, the filing of returns annually, and the deposit of a bond by its printers and publishers. In this regard, the Committee may seek information from the Registrar.
- (ii) Whether the newspaper and its journalists are accredited by the Media Council of Kenya; and whether the Council has received or adjudicated complaints touching on the newspaper.

MIN.NO/NA/CII/2018/326 MEETING WITH THE CEO, MEDIA COUNCIL OF KENYA

The CEO appeared before the Committee and submitted that;-

1. The Citizen Weekly newspaper, Headlink Publishers Limited and their employees are not accredited by the Media Council of Kenya;

2. The Citizen Weekly newspaper and Headlink Publishers Limited are in breach of ethical and media standards because they have refused and or neglected to be accredited by the Media Council of Kenya;
3. He wrote a letter to the Office of the Attorney General requesting to be provided with the list of registered newspapers, however, no response has been provided to date.
4. A complaint was filed with the Complaints Commission by Mrs. Esther Passaris about an article published by the Citizen Weekly and after hearing the parties, the Complaints Commission made the following orders;
 - (i) Ordered Citizen Weekly to publish an apology and correction of the article in question however, the apology was not published;
 - (ii) Ordered Citizen Weekly to pay fine of one Million, two hundred thousand shillings for breaching various clauses of the code of Conduct for the Practice of Journalism, however, the fine remains unpaid.
 - (iii) Issued public reprimand to the Citizen Weekly pursuant to section 29(1) (c) of the Media Act 2007 (repealed)
 - (iv) Non -compliance with orders of the Complaints Commission was exacerbated by the weak provisions on enforcement in the Media Act, 2007.

Following the presentation, the Committee was further informed as follows -

1. The Citizen Weekly newspaper, Headlink Publishers Limited and their employees are not accredited by the Media Council of Kenya;
2. Several individuals had filed complaints against the newspaper with the Complaint Commission and orders were made on the same.

Committee resolutions

- 1) Invite the management of Headlink Publishers Ltd for a meeting to respond to issues raised in the petition.
- 2) Invite the CEO, Media Council of Kenya to further provide information on;
 - (i) Whether or not Mr.Khalid Njiraini, the Petitioner had filed a complaint against the newspaper with the Media Council of Kenya;
 - (ii) Measures taken by the Media Council of Kenya to ensure all the newspapers are accredited and regulated by Media Council of Kenya;

- (iii) Legislative gaps in the accreditation and regulation process and measures to mitigate

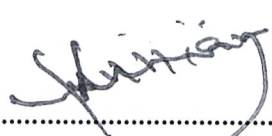
In addition the CEO to submit the following-

- (i) Documentation on the payment made by the Headlink Publishers for accreditation purpose;
- (ii) All the correspondence between the Headlink Publishers and the Media Council of Kenya;and
- (iii) List of accredited journalists and the newspapers

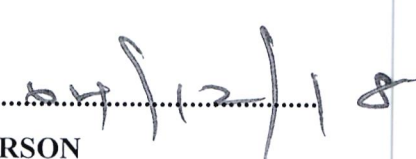
MIN.NO/NA/CII/2018/327 ADJOURNMENT

There being no other business, the meeting was adjourned at twenty minutes past twelve o'clock.

SIGNED.....



DATE.....



HON WILLIAM KISANG, MP - CHAIRPERSON

**MINUTES OF THE 86TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
COMMUNICATION, INFORMATION AND INNOVATION HELD IN BOARDROOM
ON 9TH FLOOR HARAMBEE PLAZA, PARLIAMENT BUILDINGS ON THURSDAY
18TH OCTOBER, 2018 AT 10.00AM**

PRESENT

1. **Hon. William Kipkemai, M.P.** -Chairperson
2. **Hon. George Macharia Kariuki, M.P.** -Vice- Chairperson
3. Hon. Annie Wanjiku Kibeh, M.P
4. Hon. Mwangaza Kawira, M.P
5. Hon. Jonah Mburu, M.P.
6. Hon. Mwambu Mabongah, M.P.
7. Hon. Gertrude Mbeyu Mwanyanje, M.P
8. Hon. Liza Chelule Chepkorir, M.P
9. Hon. Erastus Nzioka Kivasu, M.P
10. Hon. Marwa Kitayama Maisori, M.P
11. Hon. Joshua Kimilu Kivinda, M.P.

APOLOGIES

1. Hon. Godfrey Osotsi Atieno, M.P
2. Hon. Innocent Momanyi Obiri, M.P

ABSENT

1. Hon. Alfah O. Miruka, M.P
2. Hon. Anthony Oluoch, M.P.
3. Hon. Maritim Sylvanus, MP
4. Hon. Wamuchomba Gathoni, M.P
5. Hon. John Kiarie Waweru, M.P
6. Hon. (Eng.). Mark Nyamita, M.P

IN ATTENDANCE

National Assembly Secretariat

- | | |
|---------------------------|---------------------|
| 1. Ms.Ella Kendi | Clerk Assistant III |
| 2. Mr.Ronald Walala | Legal Counsel II |
| 3. Mr.Elijah Ichwara | Audio Officer |
| 4. Mr.Wilson Angatangoria | Serjeant at arms |

Petitioner

Mr Khalid Njiraini

MIN.NO./NA/CII/2018/319 PRELIMINARIES

The meeting was called to order at twenty minutes past ten o'clock followed by a word of prayer and introductions.

MIN.NO/NA/CII/2018/320: CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING

The agenda was deferred to the next meeting

MIN.NO/NA/CII/2018/321: MEETING WITH THE PETITIONER

The petitioner, Mr.Khalid Njiraini appeared before the Committee and submitted as follows-

1. Citizen Newspaper has been in circulation in Kenya as a weekly newspaper for the last seventeen years.
2. Mr.Tom Alwaka from Luanda Constituency in Vihiga County is the owner of the Headlink Publishers Limited which publishes the Citizen Newspaper.
3. The newspaper has been publishing negative stories touching on the petitioner.
4. He sued the Newspaper in the High court in Kisumu, Civil Suit No.197 of 2011 and was awarded Kshs.2, 200,000 for damages. However, the petitioner could not locate or serve the judgement because the newspaper has no known physical address or printing press.
5. On 22nd April, 2018, the petitioner wrote a letter to the Registrar General, Office of the Attorney General & Department of Justice to confirm if the newspaper was registered.
6. In a letter dated 22nd April, 2015, the Deputy Registrar of Societies responded to the indicating that the newspaper was not registered by the office of the Attorney General under the Books, Newspaper & Magazines Act.Cap 111;
7. He wrote a letter to the Director General, National Intelligence Service on 6th October, 2018 alleging that he had received several phone calls from a person claiming to be the owner of the Citizen Newspaper. The person alleged that the newspaper is protected by National Intelligence Service which provides information for publishing.
8. He had established from private investigations that the Newspaper has never paid taxes to the Kenya Revenue Authority;
9. The newspaper was in circulation and selling weekly with vendors all over the Country.
10. Several individuals have sued the Headlink Publishers Limited and Mr.Tom Alwaka however, in most cases the defendant did not appear during the court hearings for defence.
11. That the petitioner has not filed a formal complaint for the investigation of the alleged illegal activities of the Newspaper.

12. The matters under the petition are not pending before any court of law or constitutional body;

13. Therefore, the petitioner prays that the National Assembly through the Committee-

- i. Invites the petitioners to appear before it to prosecute and present appropriate documentation
- ii. Summons the Office of the Attorney General and the Inspector General of the Police to appear before it and explain;-
 - a) Why it has failed to take action to deter the circulation or otherwise to regulate activities of the Citizen Newspaper and
 - b) What steps it will take to resolve the matter

14. The petitioner further tabled copies of judgements obtained against the newspaper.

Committee observed that the petitioner had never filed a complaint against the newspaper with the Media Council of Kenya

Committee Resolution

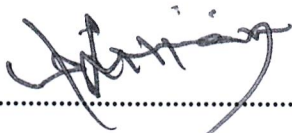
The Committee resolved as follows-

1. Invite the Chief Executive Officer, Kenya Media Council of Kenya to brief the Committee on the following-
 - a) Accreditation status of Citizen Newspaper and Headlink Publishers Limited;
 - b) Whether or not Citizen newspaper and Headlink Publishers have adhered to the ethical and media standards; and
 - c) Complaints filed against the newspaper if any and measures taken to address the complaints
2. Write a letter to the Attorney General Registrar of Societies to provide details on-
 - a) The registration of Citizen Newspaper and Headlink Publishers Limited; and
 - b) The Board of Directors of Headlink Publishers Limited

MIN.NO/NA/CII/2018/322 ADJOURNMENT

There being no other business, the meeting was adjourned at five minutes past twelve o'clock.

SIGNED.....



DATE.....

04/12/18

HON. WILLIAM KISANG, MP - CHAIRPERSON

ANNEXTURE 4



COMPLAINTS COMMISSION

+254 20 2725082

+254 20 2737088

www.mck.or.ke

Establishment and membership



- ☐ Established by the Section 27 of the Media Council Act 2013.
- ☐ Comprised of a Chairperson and six(6) other members
- ☐ Aimed at ensuring that media houses and practitioners operate within the guidelines of the Code of Conduct for the Practice of Journalism as provided for in the Second Schedule of the Media Council Act 2013.

Mandate



- ☐ Mediate or adjudicate in disputes between the government and the media and between the public and the media and intra media on ethical issues.
- ☐ Ensure the adherence to high standards of journalism as provided for in the code of conduct for the practice of journalism in Kenya
- ☐ Achieve impartial, speedy and cost effective settlement of complaints without fear or favour.

Nature of complaints

- ☐ any publication by or conduct of a journalist-or media enterprise in relation to this Act.
- ☐ anything done against a journalist or media enterprise that limits or interferes with the constitutional freedom of expression of such journalist or media enterprise,

Remedies



After hearing a complaint the Commission may:

- ☐ order the offending party to publish an apology and correction
- ☐ order the return, repair, or replacement of any equipment or material belonging to a journalist confiscated or destroyed;
- ☐ make any directive and declaration on freedom of expression;



- ☐ issue a public reprimand of the journalist or media enterprise involved
- ☐ order the offending editor of the broadcast, print or on-line material to publish the Commission's decision in such manner as specified by the Commission.

- impose a fine of not more than 500,000 shillings on any respondent media enterprise and a fine of not more than one 100,000 shillings, on any journalist,
- Record a criticism of the conduct of the complainant in relation of the Complaint where warranted

Milestones

- Between June 2017 to September 2018 the Commission has resolved over 50 Complaints
- There are 18 Complaints currently under the adjudication process with 5 having been filed in the year 2018.
- The Commission has drawn new rules of procedure aimed at simplifying the complaints process and will soon be submitted to parliament for consideration
- The Commission will embark on regional hearings in Financial Year 2018-19

OUR REF: MCK/001/NA/2/18-19

23rd October, 2018

The Clerk
National Assembly
Parliament Buildings
P.O Box 41842 - 00100,
NAIROBI

Dear Sir,

**RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON
COMMUNICATION, INFORMATION AND INNOVATION**

The Media Council of Kenya is established by the Media Council Act 2013 for purposes of setting media standards and ensuring compliance with those standards as provided for in Article 34(5) of the Constitution. The Council undertakes this mandate through amongst others, accreditation of media houses and journalists to ensure that they comply with set standards. The Council has Complaints Commission whose mandate is resolving disputes arising from violation of the Code of conduct for the practice of journalism.

With regard to your invitation letter dated 19th October 2018, Ref No. NA/DCS/CII/2018/060. We confirm our attendance to the meeting, wherein, we will furnish the Committee with following information;

1. That Citizen Weekly newspaper, Headlink Publishers Limited and their employees are not accredited by the Media Council of Kenya.
2. That Citizen Weekly Newspaper and Headlink Publishers Limited are in breach of ethical and media standards because they have refused and or neglected to be accredited by the Media Council of Kenya.
3. That a complaint was filed with the Complaints Commission by Mrs. Esther Passaris about an article published by the Citizen Weekly and after hearing the parties, the Complaints Commission made the following orders;
 - a. Ordered Citizen Weekly to publish an apology and correction of the article in question. The apology was not published
 - b. Ordered Citizen Weekly to pay a fine of one million, two hundred thousand shillings (Ksh 1,200,000) for breaching various clauses of the Code of Conduct for the Practice of Journalism. The fine remains unpaid.
 - c. Issued a public reprimand to the Citizen Weekly pursuant to Section 29(1)(c) of the Media Act 2007 (*repealed*).

- d. Non-compliance with orders of the Complaints Commission was exacerbated by the weak provision on enforcement in the Media Act 2007 (*repealed*).

We thank you for your support as we endeavor to promote responsible journalism accountable to the public.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'David Omwoyo Omwoyo', with a stylized flourish at the end.

David Omwoyo Omwoyo

Chief Executive Officer & Secretary to the Council



Britam Centre, Ground Floor, Mara/Ragati Road Junction, Upper Hill. P.O. Box 43132 – 00100, Nairobi, Kenya
TEL : +254 20 2737058. Cell : 0727735252 Email: info@mediacouncil.or.ke .Website: www.mediacouncil.or.ke

Background

Through its letter dated 30th October 2018 the Departmental Committee on Communication, Information and Innovation requested the Media Council of Kenya (MCK) to give comments on a complaint it received from Mr. Khalid Njiraini Tiangi. The complaint related to unregulated circulation of the Citizen Weekly Newspaper and in particular alleged negative stories published about Mr. Njiraini.

Legislative Provisions

Section 4 of the Media Council Act 2013 provides that the Acts shall apply to media enterprises and journalists amongst others. In addition, one of the functions of the Council as provided under section 6 (h) of the Act is to accredit journalists. It provides:

6(h) accredit journalists and foreign journalists by certifying their competence, authority or credibility against official standards based on the quality and training of journalists in Kenya including the maintaining a register of journalists, media enterprises and such other related registers as it may deem fit and issuance of such document evidencing accreditation with the Council as the Council shall determine

The code of conduct for the practice of journalists in section 24 requires the editor to take responsibility of any content published in a newspaper unless explicitly disclaimed before hand it states:

24(1) "The editor shall assume the responsibility for all content, including advertisements, published in a newspaper."

Matters Arising

The Committee invited the Council to comment on the following issues:-

- a) Whether or not Mr. Khalid Njiraini had filed a complaint against Citizen Weekly Newspaper with the Media Council of Kenya**

From the documents available, no complaint has ever been filed by Mr. Njiraini against the Newspaper at the Council

b) Measures taken by the Media Council of Kenya to ensure that all the newspapers are accredited and regulated

As provided in section 6 (b) of the Act the MCK prescribes standards of journalists, media practitioners and media enterprises. It also promotes and enhances ethical and professional standards amongst journalists and media enterprises. Furthermore, the Council develops and regulates ethical and disciplinary standards for journalists, media practitioners and media enterprises.

Section 45 of the Act provides that journalists and media enterprises shall keep and maintain professional and ethical standards and that shall all times comply with the code of conduct for the practice of journalists as provided in the Second Schedule.

To ensure compliance with the Act, Section 38 of the Act empowers the Complaints Commission or any of panels to make the following orders upon breach of the Act.

- (a) order the offending party to publish an apology and correction in such manner as the Commission may specify;
- (b) order the return, repair, or replacement of any equipment or material belonging to a journalist confiscated or destroyed;
- (c) make any directive and declaration on freedom of expression;
- (d) issue a public reprimand of the journalist or media enterprise involved;
- (e) order the offending editor of the broadcast, print or on-line material to publish the Commission's decision in such manner as specified by the Commission;
- (f) impose a fine of not more than five hundred thousand shillings on any respondent media enterprise and a fine of not more than one hundred thousand shillings, on any journalist, adjudged to have violated the Act or Code of Conduct, where upon such a fine shall be a debt due to the Council and recoverable as such;
- (g) in its reasons for its findings, record a criticism of the conduct of the complainant in relation of the Complaint, where such criticism, is in its view, warranted;
- (h) recommend to the Council the suspension or removal from the register of the journalist involved;
- (i) make any supplementary or ancillary orders or directions that it may consider necessary for carrying into effect orders or directives made.

sewte

To enhance awareness and ensure compliance with the Act by journalists and media enterprises, the Council has taken a number of measures to communicate to all key stakeholders through adverts published in the Council's social media pages, newspapers and professional WhatsApp groups.

The Council has also issued media advisories on journalists practicing in the country without accreditation. This has been sent to news rooms and the public has also been notified on the same through the Media Literacy Forums and during appearances on press pass which is a program ran by the Nation Media Group on Mondays.

c) Proof of accreditation of Headlink Publisher (Correspondence leading to accreditation, payment receipts and certificates of accreditation)

It should be noted that the Council in practice accredits journalists. The media enterprises on the other hand are required to pay abide by the provisions of the Act including payment of levies as prescribed in the Act. The MCK has never accredited any journalists working for the Headlink Publishers (Citizen Weekly Newspaper) and has only received levies for one quarter of 2014.

d) List of accredited journalists and newspapers

Attached is a list of the currently accredited journalists and compliant media enterprises.

e) Legislative gaps in the accreditation and regulation process and measures to mitigate

The spirit of the Act that local Journalists getting accreditation should be expressly stated as is the case for foreign journalists (sec 46)

Media Enterprises should be required to seek accreditation from MCK as a way to ensure they are properly registered

f) Any other matters leading to the said petition

All journalist and media enterprises in Kenya are required to abide by the MCK 2013 Act. This includes compliance with the code of conduct for the practice of journalists.

As provided above, the Council has sufficient powers to make the necessary orders in the event there is a breach of the provisions of the Act and code of conduct by journalists or media enterprises.

We recommend that the complainant herein forwards the complaint against Headlink Publishers and its journalists to the Complaints Commission for its consideration and necessary action.

Attached is one of the cases handled and concluded by the Complaints Commission against Citizen Weekly.

REPUBLIC OF KENYA
IN THE MEDIA COMPLAINTS COMMISSION OF THE MEDIA COUNCIL AT
NAIROBI
COMPLAINT NO.089/2010

ESTHER PASSARIS..... 1ST COMPLAINANT
ADOPT-A-LIGHT LIMITED..... 2ND COMPLAINANT
-VERSUS-
WEEKLY CITIZEN NEWSPAPER.....RESPONDENT

DECISION OF THE COMPLAINTS COMMISSION

The Parties

[1] Ms Esther Passaris, a businesswoman, and Adopt-A-Light Company Limited, both based in Nairobi, complained of two articles published by the *Weekly Citizen* in August 2010. Ms Passaris is a director of Adopt-A-Light Company Limited. The *Weekly Citizen* is a newspaper published by Headlink Publishers Ltd, based in Nairobi.

[2] Ms Esther Passaris complained of the articles to the Council in a letter dated 11 August 2010. She formalized her complaint by completing the official Complaint Form (Form 1) on 13 August 2010.

Articles complained of

The articles complained of include:

[3] The article headlined “Hard times for Advertising Diva Passaris” published on page 19 of the 2-8 August 2010 issue of the *Weekly Citizen*, with a front-page picture of Ms Passaris with the headline “Passaris unmasked”. On the previous issue published on 26 July-1 August 2010, the newspaper had also carried a picture of Passaris with the headline, “Coming soon Esther Passaris in South Africa”.

[4] The article headlined “Passaris Under Siege” published in the 9-15 August 2010 issue of the *Weekly Citizen*.

Brief summary of the articles

[5] The articles depict the 1st complainant, Ms Passaris, as a hustler and an unscrupulous person. The articles claim, among other things, Ms Passaris was having financial problems and was embroiled in a legal dispute with her landlord over a house in Kitisuru which she wanted to buy. The articles also claim that she made sexual advances to prominent personalities, and tried to use blackmail, in attempts to solve her alleged problems, and harped on her relationship with Pius Ngugi, who the newspaper described as her “erstwhile boyfriend”, who is the father of her children. The articles claim Ms Passaris lives “such an expensive life”, which she “cannot afford” and that she has “resorted to the unscrupulous vice”. The article claims she has a Congolese boy friend.

The Complaint

[6] Ms Passaris contends that the articles are unfair, inaccurate, biased, obscene, sexist and violated her privacy and that of her children in contravention of the Media Act and the Code of Conduct for the Practice of Journalism in Kenya (hereafter referred to as “the Code of Conduct”). She also claims that prior to the publication of the articles there were attempts to extort money from her by one Brian Yongo, by threatening to publish stories that would injure her reputation.

[8] She also claims that upon telephoning the editor of the *Weekly Citizen*, Mr Tom Alwaka, for remedial action she was “insulted and disconnected” in breach of Clause 4 on Accountability, Clause 5 on Right of Reply and Clause 23 on Editor’s Responsibilities of the Code of Conduct.

Response to the Complaint

[9] The respondent maintained that the article “**Hard Times for advertising Diva Passaris**” was part of news dissemination and was not and does not qualify as inaccurate, obscene and sexist in breach of clause 1 of the Code of Conduct.

[10] The respondents averred that at the hearing they would plead justification of all the matters contained in the article and will justify the same with documentary evidence.

[11] They stated that there exists a case between Ms Passaris and her landlord and produced as evidence a Chamber Summons, Kultar Singh Hanspal v Esther Muthoni Passaris, Civil Suit No. 280 of 2009, in the High Court of Kenya at Nairobi Milimani Commercial Courts.

[12] They claimed that the dissemination of news regarding the case cannot be false or libelous and pleaded justification.

[13] The respondent further said:

“It is common ground that Esther Passaris has children with Pius Ngugi and the said story cannot be false. We have evidence that Pius Ngugi sent her a text calling her an extortionist and they have since fallen out.

“Regarding the boyfriend, we have evidence and witnesses and shall also plead justification.

“In sum, we deny all the allegations and this is an attempt to gag the media and we shall place our defence at the hearing hereof and deny all the allegations in toto.”

[14] The respondent went on to claim that Ms Passaris called Mr. Tom Alwaka and inquired if he was associated with the *Weekly Citizen*. They said that, according to Mr Alwaka, she claimed to have been so informed by a journalist at *The Standard* newspapers, who she did not name. They stated that Mr Alwaka claims he told her that he was not able to give the source of the story as she demanded and had no control over the editorial policy.

The respondent further said:

“The second call by the complainant to Ahwaka was at night and she claimed to have received information from COTU secretary-general Francis Atwoli. Since it was at night, he politely asked the respondent to address the issue the following day.”

[15] Regarding the said Brian Yongo, the respondent said that “he is neither a reporter, director, or shareholder of our publication and we cannot comment on allegations of extortion or threats”.

[16] The respondent said the articles published in the *Weekly Citizen* were “part of our core business of information and dissemination and there is nothing scandalous or obscene in the said publications and we put the complainant to strict proof and seek particulars of such claims.”

Complainants reply to the Response

[17] Ms Passaris submitted a list of 24 documents with supporting notes to demonstrate what she described as the inaccuracies and unfairness in the statements by the respondent.

[18] She reiterated that the stories complained of were inaccurate, obscene and sexist in breach of clauses 1 and 15 of the Code of Conduct. She said she will further prove that the respondent breached other clauses of the Code of Conduct including:

[19] Clause 1 on Accuracy and Fairness: The respondent failed in his fundamental objective of writing a fair, accurate and unbiased story and did not seek and/or obtain views of the complainant who has been mentioned unfavourably in the story.

[20] Clause 2 on Independence: The respondent gathered news from outside forces and special interest groups, in this case being the said Brian Yongo.

[21] Clause 3 on Integrity: The respondent failed to identify the sources and was sensational for obvious reasons of protecting the said Brian Yongo and the making of money from members of the public.

[22] Clause 4 on Accountability: The respondent failed to adhere to the laid down standards in the Code of Conduct.

[23] The complainant said she did not dispute the existence of the case between her and her landlord but stated that the *Weekly Citizen* did not give a “full, fair and candid disclosure of the facts surrounding the matter”. She provided documents in support of this contention, which include the ruling in the case cited by the respondent, Kultar Singh Hanspal v Esther Muthoni Passaris, HCCC No. 280 of 2009, and the lease signed by Alka Sharma as manager of the estate of Kultar Singh Hanspal and Esther Passaris for the lease of the contested house in Kitusuru, Land Reference Number 774/75. The lease contains an option to purchase which reads:

If the Tenant wishes to purchase the Property and at any time before the expiry of the said term (or extended term, if any) gives the Landlord not less than three (3) months notice of that wish (“the Tenant’s Notice”), then the Landlord must, on the expiration of the Tenant’s notice, sell the Property to the Tenant at the agreed purchase price of Kenya shillings thirty five million (KShs 35,000,000.00)”

[24] In the ruling delivered on 16 October 2009, Justice Joyce N. Khaminwa noted that the plaintiff denied the agreement and contended that the lease was neither valid nor capable to be registered and therefore the defendant had no interest in the property. However, Justice Khaminwa went on to say that the landlord undertook to register the lease but it appeared that he did not. She said:

"A party cannot benefit from his failure to perform his obligations.... I am of the view that in this suit the defendant has a good case with chances of success. She is in possession and it is proper that she should continue in possession until the suit is determined, but she continues to pay rent as in the agreement. The balance of convenience tilts in her favour."

Hearing of the Complaint

[25] The hearing of the complaint started on 29 July 2011 when the complainants' witness, Ms Passaris, testified in examination-in-chief and was briefly cross-examined by the respondent's advocate.

[26] During the hearing, Ms Passaris pointed out a number of statements published by the *Weekly Citizen* as being inaccurate and unfair. The respondent did provide evidence to rebut the claims, despite claiming justification in his pleadings. The statements, which constitute about 90 percent of the articles, include the following inaccurate or misleading assertions and expressions, which she also highlighted in her written submissions:

- a) *"Hard times for advertising diva Passaris"*
- b) *"Passaris unmasked"*
- c) *Passaris under siege"*
- d) *"Embattled businesswoman Esther Muthoni Passaris has now moved out and is now seriously trying to re-invent her life after her various litigation matters proved that she is a vexatious litigant."*
- e) *"erstwhile boyfriend Pius Ngugi."*
- f) *The landlord, whose house she claims she has an option to buy, "is currently living in the servant quarters of the same premises on Forward Close as Passaris brags."*
- g) *"The said house is charged to Oriental Bank who are now advertising the sale by public auction."*
- h) For the house "which is valued at Sh100 million", Passaris *"had offered a paltry Sh33 million an offer the bank and not only deem derogatory but sarcastic."*
- i) *"Passaris allegedly made several sexual advances to a senior City Council officer to woo him in the settling claims Passaris lodged with the council but the officer who had been*

- briefed of her blackmail and seduction antics did not yield and to the contrary removed all her billboards along Uhuru Highway.”
- j) “Being on the verge of bankruptcy, Passaris *owes Kenya Revenue Authority Sh24 million... City Council of Nairobi Sh100 million* amongst other creditors and even *caused a manager of Diamond Trust Bank Westgate to be sacked.*”
 - k) “*Early this year she allegedly was trying to blackmail a prominent businessman and a cabinet minister.*”
 - l) “Back to Sudi, the old Congolese now in love with Passaris has been jetting in and out of South Africa as if driving to her Kitisuru house *and she is desperately looking for Sh20 million to pay a prominent law firm she owes money.*”
 - m) At one time, *she went out with a CEO of a prominent bank who bought her a house dog for USD1000* but the guy used her and dumped her after her demand for handouts became too much and the guy has since threatened to bring her down financially *having lent her Sh28 million.*”
 - n) “*The woman lives such an expensive life* and her monthly expenses and drawings are in the region of Sh1 million *which she cannot afford and has resorted to the unscrupulous vice.* The question is *where did the City Hall hundreds of millions go?*”
 - o) The once flamboyant *Esther Passaris is licking her economic wounds* after her failure to offset bank loans and debts to individuals which total to millions.
 - p) Last week, *Diamond Trust wanted to repossess her 4x4 KBE 70V having fallen arrears.*
 - q) Her fate at her Kitisuru house hangs in balance. Sources close to her claim *she is shopping for a house in Westlands.*
 - r) Other sources say *Esther has been in arrears of school fees at Peponi School*, the school belongs to the Kenyatta family.
 - s) She is also being investigated for having threatened a prominent Nairobi businessman and has been trying to name-drop the name of a senior cabinet minister to intimidate the police and *compromise the investigations.*
 - t) “It is instructive to note that in March 2002 Passaris entered a contract with City Council of Nairobi wherein the council purported to grant Passaris an indefinite and sole exclusive right and/or monopoly to use street light poles in the city of Nairobi which *contract was declared null and void by the High Court in a constitutional application* and

she has appealed against the said order.”

- u) Her company *Adopt-A-Light* is also facing a winding-up petition for a paltry sum of Sh500,000 and it will be interesting to see how this saga unfolds.

[27] Ms Passaris also pointed out that her relationship with Pius Ngugi was not in issue. She has children with him. But the *Weekly Citizen* story contained distorted and false facts, she said. She further stated:

“The falling out (if any) can only be a consequence of the said publication and hence the complaint.

“They [Weekly Citizen] say I am separated from my boyfriend, which is not true. I take offence to the term ‘boyfriend’. To all intents and purposes [Pius Ngugi] is my husband and father of my children and we are not separated.”

[28] On the complaint on privacy, she reiterated that the newspaper violated her privacy and that of her children by disclosing the registration number of her car and the name of the school of her children, contrary to the Code of Conduct, the Constitution and the Children’s Act.

[29] She also maintained that the *Weekly Citizen* did not give her an opportunity to correct the articles. She said that when she called the editor “he was very rude, even abusive, and then he banged the phone.”

[30] Ms Passaris was cross-examined by Osundwa Sakwa, advocate for the respondent. But he did not complete his cross-examination as the matter was adjourned to 2 August 2011 for further hearing when Mr Sakwa would continue the cross-examination. But that was never to be. Neither Mr Sakwa nor his representative turned up for the hearing, nor did he give any explanation for not showing up.

[31] Although the complainants were ready to proceed, the Commission adjourned the matter to 29 August 2011 to give the respondent another chance, despite objections from the complainants.

[32] On 29 August a representative of the respondent appeared at the hearing venue and was informed that the hearing would start at 10 a.m. then he disappeared and did not come back for the hearing, without any explanation or communication. The Commission, after waiting for about an hour, decided to proceed with the hearing as scheduled following a request by the complainants. After redirect examination, the complainants closed their case.

[33] The Commission then directed that written submissions should be filed by 5 September 2011 and set the date of 13 September 2011 for highlighting the submissions. A notice was sent to both parties, but the respondent did not file any submissions or attend the 13 September meeting for highlighting the submissions.

[34] On 5 September 2011, however, the advocates for the *Weekly Citizen*, Osundwa & Co Advocates wrote back to his counterpart, copy to the Commission: "You have now taken a date ex-parte for highlighting of submissions, my client has not given evidence, the complainant has not been cross-examined. How did you get this date and the supposed orders or directions ex-parte? How did the Commission direct filing of submission without confining to the due process? We are afraid that we may not get justice before the Commission if at all that was done with knowledge. We shall not attend on the 13th September, 2011 for the reasons contained in hearing notice herewith attached. Meanwhile, we invite you on the 16th September, 2011 to meet before the Commission take a hearing date for us to complete our cross examination and the due process shall follow suit."

Submissions of the Complainant

[35] The complainant produced 22 pages of submissions, reiterating points made during the pleadings and hearing. The main point made in the submissions is that the respondent has breached the Code of Conduct by:

- a) Publishing inaccurate, obscene and sexist material

- b) Intruding into the privacy of the complainant by mentioning the registration numbers of the vehicle and the school her children attend.
- c) Attempting, prior to publication, to extort money with threats of publishing injurious stories.
- d) Insulting the complainant when she sought remedial action

Submissions by the Respondent

[36] There were no submissions by the respondent.

Issues for Determination

[37] Before identifying the issues for determination there is one issue that both parties dwelled on that this Commission feels, though it is not a matter for determination, it should be mentioned for clarity. The issue is the whether the respondent was afforded due process in the hearing. We touched upon this matter in the section on hearing. The respondent's lawyer, in his exchange with counterpart made a great deal of his contention that his client "should not be judged unheard", i.e. without completing his cross-examining of the 1st complainant who appeared before the commission as a witness.

[38] However the respondent, after partially cross-examining the witness, failed to turn up for subsequent hearings on dates that were mutually agreed on, without prior notifications or excuse. While this Commission appreciates the need for all parties to be wholly heard, we deprecate the failure of the respondent to show up for scheduled hearings, not once, but three times. The respondent's lawyer even tried to set up a hearing date unilaterally. This is unacceptable. We would also like to point out to the respondent that equity aids the vigilant, not those who slumber on their rights.

[39] That said, the Commission would like to state that after carefully examining the pleadings made by both parties and listening to the evidence presented and analysing the submissions by the complainant (the respondent did not file any submissions), and guided by the Constitution, the Media Act and the Code of Conduct, the Commission has identified the following issues for determination:

- a) Whether the stories published by the *Weekly Citizen* are inaccurate, unfair, and biased.
- b) Whether the *Weekly Citizen* failed to offer the right of reply to the complainant.
- c) Whether the *Weekly Citizen* violated the privacy of the complainant and her children.
- d) Whether the *Weekly Citizen* violated the principle of journalistic accountability.
- e) Whether the statements made by the *Weekly Citizen* are obscene and sexist.
- f) Whether the *Weekly Citizen* tried to extort money from the complainant.
- g) Whether the complainant is entitled to the relief sought

Whether the stories published by the *Weekly Citizen* are inaccurate, unfair, and biased

[40] The complainant claimed the articles published by the *Weekly Citizen* were, among other things, inaccurate, unfair and biased, and provided both documentary evidence and oral testimony to show their inaccuracies. The respondent did not counter those claims with any evidence to speak of and this Commission accepts the version of the story told by the complainant. We also hold that the respondent cannot rely on a fair comment defense as the statements were not opinions on a matter of public interest, or if they were they were not based on true facts. We, therefore, find that the respondent breached clause 1 (a) of the Code of Conduct, which clearly states in part:

The fundamental objective of a journalist is to write a fair, accurate and an unbiased story on matters of public interest.

Whether the *Weekly Citizen* failed to offer the right of reply to the Complainant

[41] Although the respondent denies that they failed to contact the complainant for comment or to offer her the right of reply, this Commission agrees with the complainant that the respondent breached clause 1(a) of the Code of Conduct by failing to get her comments on the two stories that had mentioned her in an unfavourable light. This is a mandatory requirement. The Commission therefore finds the respondents in breach of clause 1 (a) of the Code of Conduct, which clearly states in part:

"All sides of the story shall be reported, wherever possible. Comments should be obtained from anyone who is mentioned in an unfavourable context"

Whether the *Weekly Citizen* violated the privacy of the Complainant and her children

[42] And Article 31 (c) of the Constitution states:

"Every person has the right to privacy, which includes the right not to have information relating to their family or private affairs unnecessarily required or revealed".

[43] Article 13 of the Code of Conduct provides as follows:

The public's right to know should be weighed against the privacy rights of people in the news.

Journalists should stick to the issues.

Intrusion and inquiries into an individual's private life without the person's consent are not generally acceptable unless public interest is involved. Public interest should itself be legitimate and not merely prurient or morbid curiosity. Things concerning private affairs are covered by the concept of privacy except where these impinge upon the public.

Section 4 of The Children Act provides that "the best interests of the child shall be a primary consideration" in all matters touching on children.

[44] Taking into account these provisions of the law and the matters published in the *Weekly Citizen* articles, this Commission finds that the public had no right to know about her personal affairs and therefore the newspaper should have left her alone.

Whether the Weekly Citizen violated the principle of journalistic accountability

Clause 4 of the Code states:

Journalists and all media practitioners should recognize that they are accountable for their actions to the public, the profession and themselves. They should –

- (a) actively encourage adherence to these standards by all journalists and media practitioners;*
- (b) respond to public concerns, investigate complaints and correct errors promptly;*
- (c) recognize that they are duty-bound to conduct themselves ethically*

[45] Taking into account the inaccuracies, the unfairness and biases of the articles published in the *Weekly Citizen*, and the failure to offer an opportunity to reply, this Commission finds that the respondent violated the clause 4 of the Code of Conduct.

Whether the statements made by the Weekly Citizen are obscene and sexist

[46] Clause 9 (a) of the Code provides:

In general, journalists should avoid publishing obscene, vulgar or offensive material unless such material contains a news value which is necessary in the public interest.

[47] Article 15 provides:

Women and men should be treated equally as news subjects and news sources.

[48] Putting aside the question of whether the statements published by the *Weekly Citizen* are true or not, this Commission does not find any obscenity or sexism in the said articles, and therefore cannot find for the complainant.

Whether the *Weekly Citizen* tried to extort money from the Complainant

[49] This Commission is unable to investigate the claim by the complainant that one Brian Yongo, who she claimed was associated with the *Weekly Citizen*, tried to extort money from her under the threat of harmful publicity. Brian Yongo was not a party to the case and the respondent claimed that he was neither an employee nor shareholder of the *Weekly Citizen*. We recommend that the respondent pursues this matter with other authorities that deal with corruption and extortion.

Whether the complainant is entitled to the reliefs sought

[50] The complainant showed through documentary evidence and oral testimony that the stories complained of were inaccurate, unfair, biased and violated her privacy and that of her children. Moreover, the respondent failed to observe journalistic accountability. This Commission, therefore, finds that the complainant is entitled to the relief sought.

Remedies sought

[51] The Complainants pray for the following remedies:

- a) An apology
- b) A correction
- c) Other punishment to deter such publications in future

Orders of the Commission

[52] Taking into account the evidence on record, the relief sought by the complainant, the submissions made by both parties, and the relevant provisions of the Media Act, the Code of Conduct and the Constitution, the Commission makes the following orders:

- a) We order and direct that the respondent publishes an apology and a correction of the story. The apology and correction should be given similar prominence as the offending stories. The complainant's advocate and the respondent should agree within the next 21 days from today's date on the wording of the apology. The

apology should be published in the *Weekly Citizen* within 14 days following the date of the agreement. In the event the parties are unable to disagree on the wording of the apology and correction, or fail to comply with this order, we further direct that this matter be mentioned before this Commission for further orders. Either party is at liberty to make the necessary applications.

- b) We order and direct that the respondent pays a fine of two hundred thousand shillings for failing to report accurately, fairly and without bias as required by clause 1(a) of the Code of Conduct. The fine, imposed pursuant to section 38 of the Media Act, shall be paid to the Media Council of Kenya within 14 days.
- c) We order and direct that the Respondent pays a fine of two hundred thousand shillings for failing to contact the complainant, who he mentioned in an unfavourable context, for a comment in contravention of clause 1(a) of the Code of Conduct. The fine, imposed pursuant to section 38 of the Media Act, shall be paid to the Media Council of Kenya within 14 days.
- d) We order and direct that the Respondent pays a fine of two hundred thousand shillings for breaching the privacy of the complainant contrary to clause 13 of the Code of Conduct. The fine, imposed pursuant to section 38 of the Media Act, shall be paid to the Media Council of Kenya within 14 days.
- e) We order and direct that the Respondent pays a fine of two hundred thousand shillings for violating the principle of journalistic accountability in contravention of Clause 4 of the Code of Conduct.
- f) We order and direct that the Respondent pays a fine of two hundred thousand shillings for failing to keep and maintain high professional and ethical standards, and failing to have due regard to the Code of Conduct set out in the Second Schedule of the Act in contravention of section 35(2) of the Media Act. The fine, imposed pursuant to section 38 of the Media Act, shall be paid to the Media Council of Kenya within 14 days.

g) This Commission is so appalled by the reckless and total disregard of the provisions of the Code of Conduct and section 39 of the Media Act by the Weekly Citizen that we would like to issue a public reprimand against the newspaper as provided for in section 29 (1) (c) of the Media Act. We are particularly concerned by the newspaper's insistence, without providing any shred of evidence, either in its pleadings or during the hearing, that the articles it published were fair and objective and written in the normal course of journalism. In particular, we would also like to condemn the flagrant disregard of the privacy of Esther Passaris and her children, which is contrary to the provisions of the Constitution, the Children's Act, the Media Act, and the Code of Conduct. The mandate of this Commission is to balance freedom of the Press and the rights of private citizens and we believe that public reprimands against the media should be rare and should be issued only when no other legal orders of the Commission are sufficient to address a glaring and unmitigated contravention and desecration of the Code of Conduct and the Media Act. Public reprimands are, by their very nature, a severe form of censure and reproof. This is the first public reprimand to be issued by this Commission, and we hope it will be the last

Any party aggrieved by these orders may, as stipulated in Section 32(1) of the Media Act, appeal to the Media Council of Kenya, in the prescribed manner, within 14 days from today.

Dated and Delivered on 24th Day of April 2012

MUREJ MAK'OCHIENG- MEMBER

PRISCILLA NYOKABI- MEMBER

PETER MWAURA- MEMBER

FATUMA HIRSI MOHAMED- MEMBER



CASH DEPOSIT SLIP

Please tick applicable option

Cash Deposit ☒

Loan Payment ☐

Credit Card Payment ☐

Account Name

THE MEDIA COUNCIL OF KENYA TRUST

Account Currency

Kshs

Branch KENYATTA AVENUE

Date

03/04/2014

Account/Loan / Credit Card No.

0102096149700

Amount in Words

THIRTY THOUSAND ONLY

For Bank Use Only

The Bank's machine validation will constitute acknowledgement of receipt of deposit.

01-020-961497-00 KES THE MEDIA COUNCIL OF KENYA TRU

30,000.00

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CASH DEPOSIT

Standard Chartered Bank Kenya Limited

These deposits and their payment are governed by laws in effect from time to time in Kenya and the Standard Chartered Bank (SCB) Kenya Branch where the deposits were made. SCB has the discretion to allow withdrawals at other branches in Kenya.

Checked By

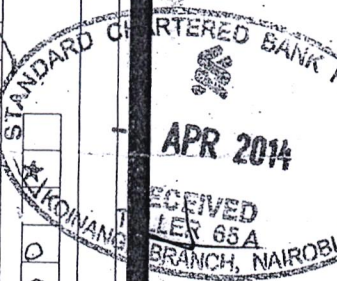
Deposited By/ Customer Signature

Tel No: 0722374303

Notes	Qty	Amount
1,000	30	30,000
500		
200		
100		
50		
Others:		
Coins 20		
Coins 10		
Coins 5		
Coins 1		
Coins:		
Total		30,000

Beneficiary's Copy

HEADLINE PUBLISHER LTD
- WEEKLY CITIZEN



De



MEDIA
COUNCIL OF KENYA

2186

R. No:

0254-2737058

P.O. BOX 43132 00100 GPO, NAIROBI, KENYA. Telephone:

RECEIPT

Date 17/11/2014

NEVILL CITIZEN

NEVILL CITIZEN LTD - NAIROBI

THOMAS THOMAS LTD - NAIROBI

Received with thanks from

of Kenya Shillings

UNSUBSIDIZED

ing settlement for

Amount KShs.

30000/-

No. UNSUBSIDIZED

Allocation: UNSUBSIDIZED

oice No. UNSUBSIDIZED

sh CASH DEPOSIT

teque No. UNSUBSIDIZED

Signature: De



ACCREDITATION OF JOURNALISTS

The Media Council of Kenya is an independent national institution established by the Media Council Act 2013 for purposes of setting of media standards and ensuring compliance with those standards as set out in Article 34(5) of the Constitution and for connected purposes.

Under sections 4, 6(h), 23(c) and 46 of the Media Council Act no 46 of 2013, the Media Council of Kenya undertakes Annual Accreditation of journalists practicing in Kenya for purposes of compiling and maintaining a register of journalists, media practitioners, media enterprises and media training institutions in Kenya.

For purposes of enforcing this mandate, the Council advises government institutions, organizations, hotels, the public and other news sources to ensure that only journalists accredited by the Media Council of Kenya cover their events. This should be done upon production of the press card provided by the Media Council of Kenya.

We also urge the public to report any quack journalists to us for intervention. Please visit our offices or our website www.mediacouncil.or.ke for information on accreditation and subscription.

Contacts

Britam Centre, Ground Floor, Mara/Ragati Road Junction, Upper Hill, P.O. Box 43132
00100 Nairobi Kenya, Tel: +254 2737058/ 2716265/2716266/0727 735252

Email: info@mediacouncil.or.ke

Website: www.mediacouncil.or.ke

NO:

1910

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The People Media Group Limited

The People Media Group Limited, 4th Floor Union Towers, Moi Avenue
P.O. Box 24943 Nairobi 00100 Kenya Tel: 2220831, 343219, 2249686, 2227444,
2228471 Fax: 2228503, Email: adverts@mediamax.co.ke

WEBSITE: <http://www.people.co.ke>

PIN NO: P051303216J

ADVERTISING SPACE ORDER

ADVERTISER'S NAME:	LORINE ACHIENG	
CONTACT NAME:	MEDIA COUNCIL OF KENYA	
INVOICE NAME:	43132-00100 NAIROBI	
ADDRESS:	2725032 FAX:	
PHONE:	lachieng@mediacouncil.or.ke	
EMAIL ADDRESS:		
VAT EXEMPT:		

Position:

B.P.

Size:

1/4 PAGE

Insertion Dates:

Inserts

Rate

Height

Col

Amount

117.5

18 x 3

60,345

21st - 20th SEPTEMBER

Sub-total:

GP:

Discount:

Other Charges:

Net Amount:

VAT:

Total Amount:

60,345.00

9,655.20

70,000.20

REQUIREMENTS

1. PROOFS

2. ORIGINAL MATERIAL BACK

YES

NO

YES	NO
1	

KANGANGI JAMLECH
SALES EXECUTIVE

Client Signature: *[Signature]*

Name in Full: LORINE ACHIENG

Designation: ACCREDITATION & COMPLIANCE OFFICER

For and on behalf of
(AFFIX OFFICIAL RUBBER STAMP)

SECTION SALES MANAGER

FOR OFFICIAL USE ONLY
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Account No.

CREDIT CONTROL SECTION
CLIENT'S COPY
ADVERTISING DEPARTMENT
BOOK COPY

(WHITE)
(BLUE)
(PINK)
(GREEN)

MEDIA COUNCIL OF KENYA

P.O. Box 43132 - 00100, NAIROBI

For "CONDITIONS OF ACCEPTANCE" SEE REVERSE
Note: In the case of cancellations a valid notice is re-
quired. Insufficient notice of cancellation renders the client
liable for payment of the advertisement. All cancellation
notices must be in writing.
2737058
252
mediacouncil.or.ke

ADVERTISING SPACE ORDER

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Box 74497 - 00200, Nairobi, Kenya
Tel(Editorial) 4240000
Fax: 343755
Tel(Advertising/Circulation) 3536101/2
www.nairobi.star.com

ADVERTISER'S NAME: MEDIA COUNCIL OF KENYA
CONTACT NAME: JERRY ABUGA
INVOICE NAME: AS ABOVE
ADDRESS: 43132-00100
CITY/TOWN: NAIROBI
PHONE: 2737058 FAX: _____
EMAIL ADDRESS: _____
VAT EXEMPT: _____

DATE	<u>18/9/2012</u>
ORDER No.	
PIN No.	
VAT No.	

I/We hereby agree to take one (quarter page) insertions in (Colour Mode) black and white at casual/contract rates best Position (see clause overleaf) Rate @ _____ P.S.C.C. Cost per insertion _____

ADVERTISEMENT PUBLICATION DATES

JAN.	
FEB.	
MAR.	
APRIL	
MAY.	
JUNE.	
JULY.	
AUG.	
SEP.	<u>- 2 pc</u>
OCT.	
NOV.	
DEC.	

ANY OTHER INSTRUCTIONS

To run a quarter page on Notice on Accreditation of Journalists working in Kenya.

CUSTOMER COMMENTS

REQUIREMENTS

	YES	NO
1. PROOFS	☒	☐
2. ORIGINAL MATERIAL BACK	☐	☐

1) Mode of Transmission: Raw Copy ☐ CD ☐ Diskette ☐ Film/Negative ☐ Flash/Zip Disk ☐ Email ☒

2) Decision on failure to approve by deadline: Don't run the advert ☐ Run the advert minus approval ☐
If the copy is not approved by the agreed deadline, Nairobi Star will not take responsibility for any mistake in the advert

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Gelaste Anyango
SALES EXECUTIVE

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Client's Signature [Signature]

Name in Full ACREDITATION

Designation COMPLIANCE

For and on behalf of

(AFFIX OFFICIAL RUBBER STAMP)

NOTE

- The order is NOT a receipt. Obtain a receipt for any payments made.
- All cheques should be crossed and made payable to NAIROBI STAR
- Please sign and rubber stamp all copies
- Contract rates apply to more than 3 insertions
- General terms and conditions of acceptance are printed over leaf

Credit terms maximum 30 days from the date of advertisement for ACCOUNT HOLDERS ONLY

ADVERTISEMENT ORDER

ORDER DATE 19-09-2012
PUBLICATION 19-09-2012

TO: THE STANDARD GROUP LTD.

The Standard Group Centre, Mombasa Road
P. O. Box 30080, Nairobi, GPO - 00100
Tel: 3222111, 2227122, 2242650, 2242642
Fax: 2214467, 2243323, 2229218
Mobile: 0722 204 112/113, 0733 600 586/87

Order No. 267668
Pin No. P000591094V
VAT No. 0164905D

SALES REP'S NAME Gemimah Munjome
PRODUCT NOTICE
CLIENT MEDIA COUNCIL OF KENYA
P. O. BOX 43132 - 00100 Tel. 2737058 Town NAIROBI
Building BRITAM Street Name UPPER HILL
Number of Insertions ONE
Space / Size 18x3 (B/W)
Rate P.s.c.c. 13000 + VAT 10% 670 DSC Contract/ Casual ()
Rate Kshs. Total Kshs. 76,546
Position B.P

White Copy: Client
Yellow Copy: Ads Dept.
Pink Copy: Account Dept.
Green Copy: Book

ADVERTISEMENT PUBLICATIONS DATES												Any other instruction
JAN.	FEB.	MAR.	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	
												pls sign parts marked x. ALC

- i) Mode of Transmission: Raw copy ☐ C.D ☐ Diskette ☐ Film/Negative ☐ Zip Disk ☐
 ii) Submission Date 18-09-2012
 iii) Approval Deadline
 iv) Decision on failure to approve by deadline: Don't run the Advert ☐ Run Advert minus approval ☐

If the copy is not approved by the agreed deadline, The Standard Group Limited will not take responsibility for any mistake in the Advert.

Name of Person Awarding Order LORINE ACHIENG

Designation ACCREDITATION & COMPLIANCE OFFICER

Signature [Signature]

Clients Rubber Stamp x

Sales Rep's Signature [Signature]

NOTE

1. This order is not a receipt. Obtain a receipt for any payment made.
2. All cheques should be crossed and payable to The Standard Group Ltd.
3. Please sign and rubber stamp all copies.
4. Contract rates apply to more than 5 Insertions.
5. General terms and conditions of acceptances are printed overleaf.

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P.O. Box 43132 - 00100
TEL: 2725032/27274138
MOB: 0727 - 735252
info@mediacouncil.or.ke



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Nairobi 00100.
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Fax: 214047/214565
E-mail: addesigners@nation.co.ke

TANZANIA:
DAR ES SALAAM: JM Mall,
Samora Avenue Box 8101
Tel: (255-22) 2119657-82
Fax: (255-22) 2115566
E-mail: nnldar@africaonline.co.ke
Arusha: Tel: 007-27-250-
2867/2677
4366/3766 Fax: 3757 Email:

UGANDA:
KAMPALA: 1st Floor,
Short Tower - Crested Towers
Hannington Rd, Box 6100,
Tel: 041- 232770/1/2/3
Fax: 041- 232781
nnlar@africaonline.co.tz

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EDITIONS: (DN, SC, LM, HZ, MN, WM, NS, BZ, LS, YN, EA, MA, PA, TF, BD, DM). Circle as necessary

ADVERTISER'S NAME:	MEDIA COUNCIL OF KENYA		
CONTACT NAME:	LAURINE		
INVOICE NAME:	AS ABOVE		
ADDRESS:		CITY/TOWN:	NAIROBI
COUNTRY:	KENYA		
PHONE:	2725032	FAX:	
EMAIL ADDRESS	lachieng@mediacouncil.or.ke		
VAT EXEMPT:	NO		

PM - 7.2.1 - 1-7.3

NO 8550

I/we hereby agree to take insertions in DN at casual/contract rates.

Position a per attached schedule (see clause 10 overleaf)
Size/ 16.6 X 3 BW

Inserts	Rate	Height	Col	Amount
1		16.6 X	3	93,150.00

Sub-total	93,150.00
GP	0%
Discount	10%
Other Charges	
Net amount	83,835.00
VAT	13,413.60
Total Amount	97,248.60

CUSTOMER COMMENTS

REQUIREMENTS

YES NO

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|---------------------------|--|--|
| 1. PROOFS | | |
| 2. ORIGINAL MATERIAL BACK | | |

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SALES EXECUTIVE

FF15
(SALES CODE)

SALIM BWIKA
SECTION SALES MANAGER

Client Signature: [Signature]
Name in Full: LORINE ACHIENG
Designation: ACCREDITATION AND COMPLIANCE OFFICER

FOR OFFICIAL USE ONLY (BRANCHES, COLLECTION
POINTS AND BUREAUX)

Account No.

CREDIT CONTROL SECTION (WHITE)
CLIENT'S COPY (BLUE) x 43132 - 05100 NAIROBI
ADVERTISING DEPARTMENT (PINK) TEL: 2725032/2725033
BOOK COPY (GREEN) MOB: 0727-735252
info@mediacouncil.or.ke

For and on behalf of
(AFFIX OFFICIAL RUBBER STAMP)

Credit Terms Maximum 30 days from the date of
Advertisement for account holders only.

For "CONDITIONS OF ACCEPTANCE" SEE REVERSE
Note:- In the case of cancellations a week's notice is
required. Insufficient notice of cancellation renders the
client liable for payment of the advertisement. All
cancellation notices must be in writing

ANNEXTURE 5

KHALID NJIRAINI

P.O Box 328 – 50307

Luanda

Tel: 0722611119/0733611119

Email: tiangakhalid@gmail.com

06th October, 2018



To: The Director General

National Intelligence Service

Nairobi.

Dear Sir,



RE: WEEKLY CITIZEN NEWSPAPER

I, Khalid Njiraini wrote a public petition to the National Assembly on 23rd July, 2018 complaining about the failure of the Kenyan government to regulate the activities of the Citizen Weekly newspaper.

The petition was brought to the floor of the National Assembly and presented by the speaker on 4th Thursday October, 2018 at 2.30 pm. The matter was discussed and after the legislators contributions it was proposed that the petition be forwarded to the relevant Parliamentary Committee for further action.

The reason I am writing to you is because I have received so many phone calls from a person claiming to be the owner of Citizen Weekly newspaper whose mobile number is 0792789090 who has not only made very serious allegations against several government agencies as follows:

1. THAT, Citizen Weekly newspaper is a powerful cartel which is protected by the National Intelligence Service.
2. THAT, the Citizen Weekly newspaper is provided with information to print by the National Intelligence Service.
3. THAT, senior members of the intelligence service receive weekly payments from the owner of the Citizen Weekly newspaper.

NATION MEDIA GROUP LTD.

P.O. Box 49010 - 00100

NAIROBI - G.P.O.

STANDARD NEWSPAPER

BENI ZEPHOD

B. C/O

ANDY KAGWA

4. THAT, the Citizen Weekly newspaper is protected by senior managers of Kenya Revenue Authority.
5. THAT, the Citizen Weekly newspaper pays out protection fees to senior managers of KRA and that is why the newspaper has never paid any taxes to KRA for several years and even dared to inform me that they will never pay taxes.
6. THAT, the Citizen Weekly newspaper will never pay any judicial judgments given by the Kenyan Courts despite of the fact that so many people including institutions having filed and won cases against the newspaper.
7. THAT, the Citizen Weekly newspaper has several members of parliament on its payroll including Hon. Aden Duale whose task is to ensure the newspaper is protected by the National Assembly.
8. THAT, the Citizen Weekly newspaper, its printers and vendors is protected by the Inspector General of Police so that the newspaper can be sold every week in all the 47 counties without a hitch.
9. THAT, the Citizen Weekly newspaper HAS protection from the Attorney General himself so he does not need to register the newspaper or follow the Law because as he claims he is above the Law and can never be prosecuted.

In conclusion to my letter, I wish to request your esteemed office to get all the voice recordings between his number and my Safaricom number.

What I find shocking is that in 2016 I went to the offices of Nation, Standard, Star and Nairobian newspapers in Kisumu and paid all of them for a quarter page advertisements in cash. The advertisement was requesting anybody who has ever won a defamation case against the Weekly Citizen newspaper to contact me so that we could file a bankruptcy case against the newspaper.

Unfortunately all the newspapers after consultation with their head offices in Nairobi rejected my advertisement and refunded my money.

I request your esteemed office to get the voice recordings from Safaricom and arrest the owner of the mobile number.

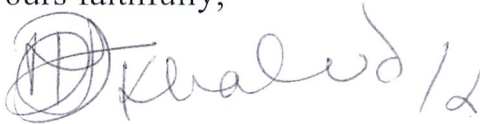
I request all the mentioned government agencies to respond to these allegations from him.

I request the High Court to provide me with all the judgments against Citizen Weekly newspaper.

Sir, WHY have all these agencies failed to take action against this newspaper and kindly advice what steps your office will take on this matter.

Thank you in advance.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Khalid Njiraini', with a circular stamp or mark over the first part of the signature.

Khalid Njiraini

- cc.
1. Office of the Commissioner General - KRA
 2. Chief Registrar - The Judiciary of Kenya
 3. Speaker - National Assembly of Kenya
 4. Inspector General of Police
 5. Attorney General
 6. The Managing Editor Standard Newspaper
 7. The Managing Editor Nation Newspaper
 8. The Managing Editor The Star Newspaper
 9. The Managing Editor The Nairobiian Newspaper
 10. CEO, Safaricom
 11. Director - Office Public Prosecutions

FROM : KHALID NJIRAINI TIANGA

P.O.BOX 558- 50307

LUANDA

0722611119 / 0733611119

22/04/2015

TO : REGISTRAR GENERAL

OFFICE OF THE ATTORNEY GENERAL & DEPT. OF JUSTICE

P.O.BOX 30031, NAIROBI – 00100

Dear Sir / Madam

Ref – Weekly Citizen Newspaper

Kindly confirm to me that the above mentioned newspaper is registered and confirm also who its proprietors are.

Treat this letter as very urgent.

I have won a civil suit against the newspaper in the High Court of Kisumu for Ksh 2,200,000, civil suit no. 197 of 2011

Thanking you in advance

Yours faithfully



KHALID NJIRAINI



REPUBLIC OF KENYA

**OFFICE OF THE ATTORNEY-GENERAL
&
DEPARTMENT OF JUSTICE**

2

22nd April, 2015

To Khalid Njiraini Tianga
P.O. Box 558-50307
LUANDA

Dear Sir

**RE:BOOKS, NEWSPAPERS & MAGAZINES ACT.CAP. 111 OF THE
LAWS OF KENYA. WEEKLY CITIZEN NEWSPAPER**

I refer to your letter dated 22nd April, 2015, we would like to inform you that the above named newspaper is not registered by this office under the above Act.

Yours faithfully

**JOSEPH ONYANGO
DEPUTY REGISTRAR OF SOCIETIES**

/jwk

SHERIA HOUSE, HARAMBEE AVENUE
P.O. Box 40112 - 00100, NAIROBI, KENYA. TEL:+254 20 2227461/2251355/07119445555 / 0732529995
E-MAIL: info.statelawoffice@kenya.go.ke. WEBSITE: www.attorney-general.go.ke

DEPARTMENT OF JUSTICE
CO-OPERATIVE BANK HOUSE, HAILESELASSIE AVENUE
P.O. Box 56057-00200, Nairobi- Kenya TEL: Nairobi 2224029 / 2240337
E-MAIL: legal@justice.go.ke WEBSITE: www.justice.go.ke



(3)

FROM: KHALID NJIRAINI TIANGA
P.O BOX 558 – 50307
LUANDA
0722 611119 / 0733 611119

22nd APRIL 2015

TO: THE INSPECTOR GENERAL
KENYA POLICE
POLICE HEADQUARTERS
NAIROBI



Dear Sir/Madam,

REF: WEEKLY CITIZEN NEWSPAPER

I kindly wish to lodge a complaint against you as the Inspector General of Kenya Police.

I have won a court case against weekly Citizen Newspaper in the High Court of Kisumu Civil Suit No. 197 of 2011 for Kshs 2,200,000.

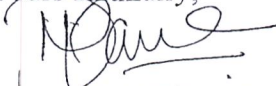
The Attorney General has confirmed that the newspaper is not registered (I have attached copies of correspondence for your perusal) and it has no physical address. I cannot execute my judgment.

Why have you let an illegal Newspaper circulate in the streets of Kenya?

Incase no action is taken against the newspaper and vendors are still found selling and distributing the newspaper within seven (7) days, I shall take legal action against you in your personal capacity and as the Inspector General of Kenya Police.

Thanks you in advance.

Yours faithfully,


KHALID NJIRAINI

25/6/14

REPUBLIC OF KENYA

IN THE CHIEF MAGISTRATE'S COURT AT KISUMU

CIVIL SUIT NO.197 OF 2011

KHALID NJIRAINI TIANGA.....PLAINTIFF

VERSUS

TOM ALWAKA.....1ST DEFENDANT

HEADLINK PUBLISHERS LTD

T/A WEEKLY CITIZEN.....2ND DEFENDANT

CLAIM FOR:

- i. General Damages for defamation of character;
- ii. A mandatory injunction to compel the 1st and 2nd defendants to publish an appropriate apology complete with a retraction of the defamatory article;
- iii. Punitive damages;
- iv. Costs of the suit and interest

DECREE

This suit coming up for hearing on 08.05.12, 19.06.12, 08.08.12, 02.10.12, 20.11.12, 07.05.13, 10.07.13 and for judgment on 31.07.13 before HON. LUCY GITARI (CM)

IT IS HEREBY ORDERED:

- i. THAT the Plaintiff be and is hereby awarded General Damages in the sum of Kshs. 2,000,000/=.
- ii. A mandatory injunction do issue compelling the 1st and 2nd defendants to publish an appropriate apology complete with a retraction of the defamatory article;
- iii. The Plaintiff be and is hereby awarded Exemplary Damages in the sum of Kshs.200,000/=.
- iv. THAT the Plaintiff be and is hereby awarded costs of the suit plus interest.

GIVEN UNDER MY HAND AND THE SEAL OF THIS HONOURABLE COURT THIS 31ST DAY OF JULY 2013.

ISSUED AT KISUMU THIS 6th DAY OF June 2014.




CHIEF MAGISTRATE
LAW COURTS KISUMU
KISUMU

Decree - 150/14
5/14/14

REPUBLIC OF KENYA

IN THE CHIEF MAGISTRATE'S COURT AT KISUMU

CIVIL SUIT NO. 197 OF 2011

KHALID NJIRAINI TIANG'A.....PLAINTIFF/APPLICANT

VERSUS

TOM ALWAKA.....1ST DEFENDANT/RESPONDENT

HEADLINK PUBLISHERS

T/A WEEKLY CITIZEN.....2ND DEFENDANT/RESPONDENT

ON 02.04.14

BEFORE HON. LUCY GITARI (C.M.),

OTIENO NJOGA FOR THE PLAINTIFF/APPLICANT

N/A FOR THE 1ST & 2ND DEFENDANTS/RESPONDENTS

ORDER

UPON READING the Applicant's Notice of Motion application dated 05.12.13 together with the annexed Supporting Affidavit of KHALID NJIRAINI TIANG'A, AND UPON LISTENING to Counsels for the parties, **IT IS HEREBY ORDERED:-**

1. **THAT** the judgment entered herein on 31.07.13 against the Defendants be and is hereby reverted.
2. **THAT** the Plaintiff/Judgment-Creditor be and is hereby granted leave to execute the judgment and decree entered herein on 31.07.13.
3. **THAT** the costs of the application be and are hereby granted the applicant.

GIVEN UNDER MY HAND AND THE SEAL OF THIS HONOURABLE COURT THIS 2ND DAY OF APRIL 2014.

ISSUED AT KISUMU THIS 19TH DAY OF MAY 2014.

Lucy Gitari
CHIEF MAGISTRATE
LAW COURTS, KISUMU

CONFIRMED TRUE COPY OF THE ORIGINAL

Sro
CHIEF MAGISTRATE
KISUMU

JUDGMENT:

The Plaintiff Khawar Nisrini
Tanga claims against the
defendants Tom Aluaka and
Headlines Publishers ^{Weekly} The Citizen

(a) General damages for
defamation of character.

(b) A mandatory injunction
to compel the 1st and 2nd
defendants to publish an
appropriate apology
complete with retraction
of the defamatory article.

(c) Punitive damages

(d) Costs of the suit and
interest on a &

The Plaintiff claims that the
defendant published defamatory
article in the Citizen weekly
newspaper Vol 14, Issue No. 13
April 4-10-2011 at page 19.

The defendants having failed to enter appearance filed a defence dated 29-9-2011 on 7-10-11 in which they denied the allegations in the plaint. The 1st defendant denied that he is the chief editor of the 2nd defendant and also denied having written or published the defamatory article complained of or that the words appearing in the article were defamatory of the Plaintiff. They contended that the words were not only true but fair comments and consequently

not false or malicious as alleged. They urged the Court to dismiss the suit.

The pleadings closed and the case was listed for hearing. The Plaintiff was represented by Duma Njoga and Company Advocates. The defendants filed their defence thro' Ashimushi Gutwase & Associates Advocates. When the matter came up for hearing the defendants and their Advocate were not in Court though they had been duly served with a hearing notice. The matter

proceeded for want of ex-
parte. The plaintiff adduced
evidence. The defence case
was marked as closed
when they persistently
failed to turn up in Court
despite having been duly
served. The plaintiff then
his advocates ^{filed} ~~failed~~ ^{Submission}
which I have considered.

The issues for determination
are whether the 1st defendant
has been the Chief Editor of the
2nd defendant's weekly newspaper.
The defendants never adduced
evidence other than the denial
in the Statement of defence.

The 1st defendant contends that he resigned as Senior reporter of the Kkeany Libyen. The defendants did not adduce any evidence ^{was} not the alleged letter of resignation dated 20-10-07 produced or annexed to the defendant's defence. The defence did not rebut the contention by the Plaintiff. There is nothing to show that the 1st defendant was not an employee of 1st defendant at the time of the publication. It is a mere denial which is

On Oath. The Plaintiff has
proved that the 1st defendant
was an employee of the 2nd
defendant at the material
time. The defendants do not
deny that the material
complained of was published.
Their contention is that the
words complained of by the
Plaintiff are true and fair.

In the particulars of defence
the State that the Plaintiff
placed an advertisement in the
Weekly Citizen and failed
to pay \$150,000. These
particulars were not
proved as no evidence

was tendered. The plaintiff testified in this Court that the defendants published an article in the Weekly Citizen newspaper at Page 19 Column 3 Vol 14 Issue No 13 of April 4-10-2011 which article was false and consequently defamatory of the plaintiff. The words are pleaded at Paragraph 6 of the plaint and the plaintiff produced the said weekly newspaper showing that the words were indeed published. These words are as follows:

11
Recently Citizen is suing
Khalid Njiraini for failure
to pay KSh 150,000 his
Island Foundation owes
the firm. -- Njiraini placed
advertisement in papers
claiming Mombasa tycoon
Bibi Rujani was to pay.
He organized demonstrations
in Mombasa and those
involved claim they were
not charged. -- Njiraini,
who has no fixed abode
is mostly to be seen in
tycoon's offices. -- whenever
asked he claims Rujani
is yet to make payments. "

The plaintiff testified that
the publication was false.

The plaintiff has proved on
a balance of probabilities
that the defendants
published the article.

The defendant did not
deny publishing the

article but contended that it was not false. I find that the undisputed evidence by the plaintiff shows on a balance of probabilities that the article was false and the defendants published it as shown by exhibit P142. The plaintiff pointed out ~~at~~ his paragraphs along side the publication which served to confirm that the article related to him personally. The plaintiff has therefore proved that the publications the subject matter of this suit

were indeed made by the defendant with specific reference to the Plaintiff. The words were defamatory as they were false. As submitted by Counsel for the Plaintiff defamation is defined as

"The act of harming the reputation of another by making a false statement to a 3rd person."

Black's Law Dictionary (8th Edition)
Page 448".

Where the matter is published it is libel defamation. The Plaintiff called a witness, Mr. Z who confirmed he read the article and informed the Plaintiff of its contents.

TO (6) cc 197/11

The defendants did not
advance any evidence
oral or documentary to
prove that the Plaintiff
was indebted to them.

The Plaintiff has proved
that the publication was
false and malicious. The
defendants failed to attend
Court to defend the suit.

This has been held that it
puts weight to the fact that
the facts published were
not only false but malicious.
So held in the case of Joseph
Oyaro v- Tom Oscar Nwaka
T/A Weekly Citizen & 2 Others

The plaintiff proved that the allegations portrayed him as a Communist who can obtain money, is unreliable, not trusted and lacking in integrity. This would affect his political ambitions and how voters will judge him.

The plaintiff has proved that the allegations had an overall effect - of casting doubts on the minds of right thinking members of the Society. The plaintiff has proved that his reputation as a business and political ambitions was impaired. He

is entitled to damages.

I have considered the authorities cited on quantum. They show that damages are awarded to compensate the plaintiff for the injury suffered to his reputation, vindicate his name in the presence

of the recipients of the defamatory words. They also offer consolation. I

have considered the case of Lakha-V-Standard Limited t/a East Africa (2009) KLR. where Court of Appeal awarded Ksh 2,000,000 in general damages. Yobech Oyare

v. Tom Ocas Amara T/A Sleazy

Citizen, General damages
of Ksh 3000,000. and James
Obonchi Obeno v. Nation Media
Group HC.CC Kisumu- 7 of 2005.

where Ksh 800,000 was awarded,

I find that taking all
the factors into consideration,
and guided by the above
authorities, I find that
an award of Ksh 2,000,000
is reasonable. The

plaintiff is entitled to exemplary
damages as the defendants
actions were reckless and
driven by malice. I find
that Ksh 200,000 is reasonable

⑧ JD 0197/11

I find that the Plaintiff
has proved his claims and
therefore entered

judgment for the Plaintiff
as prayed in the plaint.

I award the Plaintiff a
total of Ksh 2,200,000/-

as general damages. I
award the Plaintiff the
costs of the suit.

[Signature]
31/7/13

Read out in Open Court.

Mr. Orodgo HTB for Mr.

Nyaga for P/H, Def - Absent

dc Mwangi His 31/7/13

[Signature]
31/7/13.

23/8/13

Before S. Maneg Sfm
Mr Oliver

Mr ASHIMOSI

I appear for Doff /
Applicant and the

Application - before
you is N/M dated
22/8/2013. The

Application - is
urgent because
the matter proceed
ex-parte and
Judgement was
delivered on
31/7/2013.

The application -
has s/affidavit of
my client and
we are

apprehensive
that execution
can proceed
any time from
now although the
Defendant have
a good Defence.

Order

upon considering
the application - before
me after perusal of
the s/affidavit and
submissions tender

10/6/25

D/L & Judgement

- Defendant filed an application to set aside
- Application heard.
- Rules delivered
- Application to set aside dismissed
- ~~Exe order~~ - Execution to proceed.
- Defence extracted.
- Bill of Costs
- Review of determination on 25/6/2024.

ANNEXTURE 6



REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY-GENERAL
&
DEPARTMENT OF JUSTICE

BUSINESS REGISTRATION SERVICE

Our Ref: CR13.

16th November 2018

Your Ref: NA/DCS/CII/2018/067

Clerks Chambers,
National Assembly Parliament Building
P. O. Box, 41842-00100
NAIROBI.

Att: Jeremiah Ndombi

RE: HEADLINK PUBLISHERS LIMITED

We refer to the above matter and to your letter dated 9th November 2018 whose contents we have duly noted. According to the company records as at incorporation (no annual returns filed), the names of directors of the above Company with their particulars are as follows;

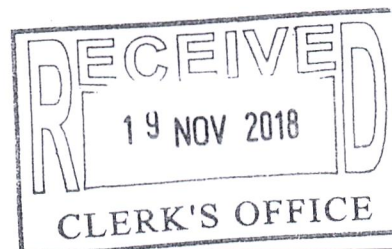
<u>Names</u>	<u>Description</u>	<u>Address</u>	<u>Nationality</u>	<u>Ordinary Shares</u>
Wycliffe Mukuzi	Director	P.O Box 6865 City Square Nairobi	Kenyan	200
Astin Matsalia	Director	P.O Box 6865 City Square Nairobi	Kenyan	200
Total Shares				400

This Company was registered on 21st January 2004. The registered office of the company is situated at Lr 209/9256 Summit House Moi Avenue Nairobi. The registration number of this Company is C.107789.

Yours faithfully,

JEMIMAH MUNGAI

FOR: REGISTRAR OF COMPANIES



SHERIA HOUSE, HARAMBEE AVENUE

P.O. Box 40112-00100, NAIROBI, KENYA. TEL: +254 20 2227461/2251355/07119445555/0732529995

E-MAIL: info.statelawoffice@kenya.go.ke WEBSITE: www.attorney-general.go.ke

DEPARTMENT OF JUSTICE

CO-OPERATIVE BANK HOUSE, HAILLE SELLASIE AVENUE P.O. Box 56057-00200, Nairobi-Kenya TEL: Nairobi 2224029/ 2240337
E-MAIL: legal@justice.go.ke WEBSITE: www.justice.go.ke

ISO 9001:2008 Certified



ANNEXTURE 7

RESPONSE TO THE PUBLIC PETITION TO THE NATIONAL ASSEMBLY ON
THE FAILURE OF THE GOVERNMENT TO REGULATE THE ACTIVITIES OF
THE CITIZEN NEWS PAPER BY KHALID NJIRAINI TIANGI

Honourable Members,

We refer to the letter dated 9th November 2018 and the attached petition and wish to make our response to the above stated petition as follows:-

1. The Petition refers to "The Citizen Newspaper" which is a newspaper not known to us. Headlink Publishers Limited is a duly registered limited liability company which publishes WEEKLY CITIZEN and not "The Citizen."
2. WEEKLY CITIZEN is a duly registered newspaper under the provisions of the Books and Newspapers Act and the Regulations made there under.
3. The publishers of the aforesaid weekly newspaper, Headlink Publishers Limited, have offices at Summit House, 3rd Floor Room 301 that is off Moi Avenue in Nairobi.
4. Headlink Publishers Limited is duly registered as a tax payer with the Kenya Revenue Authority and has always been tax compliant.
5. WEEKLY CITIZEN is recognised by the Media Council of Kenya who have received subscription fees from the newspaper and its officials have visited the offices of the publishers and held meetings.

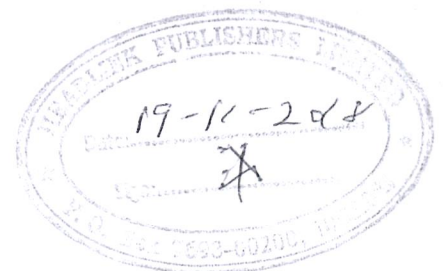
Attached hereto are copies of the following documents:-

1. Certificate of incorporating for Headlink Publishers Limited.
2. Duly executed bond under the Books and Newspapers Act.
3. Compliance Certificates from the Kenya Revenue Authority.
4. Documents in respect of the Media Council of Kenya.

The above documents confirm the averments hereinabove.

HEADLINK PUBLISHERS LIMITED

19TH NOVEMBER 2018





No.
C. 107789

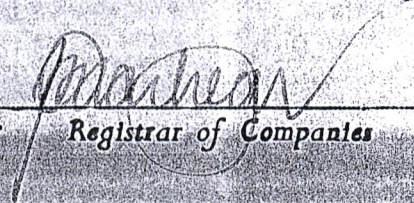
CERTIFICATE OF INCORPORATION

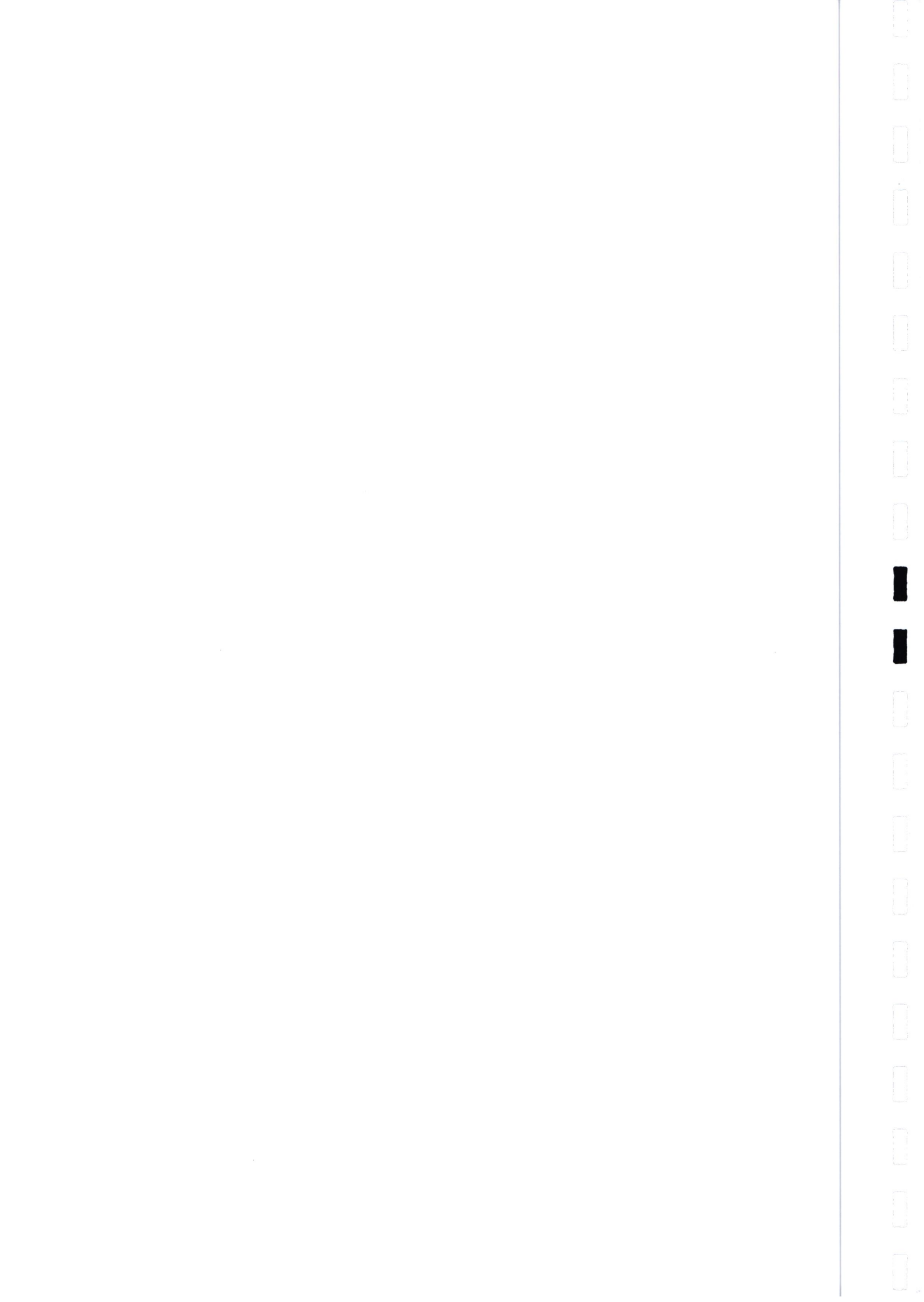
I hereby Certify, that—

HEADLINK PUBLISHERS LIMITED.....

is this day Incorporated under the Companies Act (Cap. 486) and that the Company is LIMITED.

Given under my hand at Nairobi this TWENTY FIRST day
of JANUARY Two Thousand AND FOUR

Snr. Dy. 
Registrar of Companies

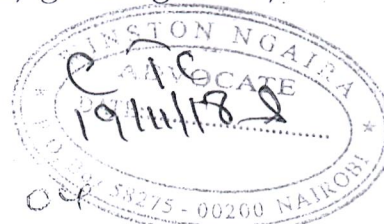


THE COMPANIES ACT
(CHAPTER 486, LAWS OF KENYA)
PRIVATE COMPANY LIMITED BY SHARES
MEMORANDUM OF ASSOCIATION
OF
HEADLINK PUBLISHERS LIMITED



1. The name of the Company is HEADLINK PUBLISHERS LIMITED
2. The Registered Office of the Company shall be situated in the Republic of Kenya.
3. The objects for which the Company is established are:-
 - (a) To carry on the business of publishers, printers, newspaper sellers, booksellers, stationers, periodical and journal proprietors, book publishers, press agents, newsagents and wholesale and retail stationers.
 - (b) To carry on the business of advertising and publicity agents and contractors, press cutting agents, bill posters, and advertising consultants, exhibition and display specialists and contractors, and generally to undertake and execute agencies and commissions of all kinds.
 - (c) To carry on business of printers and the reproduction of words, pictures and diagrams in any form and by any process.
 - (d) To carry on the business of bookbinders, case makers, engravers, gold blockers, book cloth makers and suppliers, photographers, lithographers artists, designers and draughtsmen.
 - (e) To carry on business of manufactures of and dealers in paper, cardboard, containers, packaging materials, printing, drawing and writing materials and requisites, pens, inks, greeting cards, diaries and stationery generally.

19



REPUBLIC OF KENYA

THE BOOKS AND NEWSPAPERS RULES

(Cap. 111, Rule 7)

BOND

Registration No. _____

BY THIS BOND I/WE HEADLINE PUBLISHERS LIMITED

of 6865-00200 NAIROBI acknowledge myself/ourselves jointly and severally bound in the sum of three hundred thousand shillings in respect of (each of) the

following newspaper(s), that is to say the newspaper(s) known as WEEKLY

GIVEN, WEEKLY NEWS.

as security for or towards the payment of any monetary penalty which may at any time be imposed upon or adjudged against me/us upon my/our conviction for any offence under the Books and Newspapers Act, or under any other written law, committed after the execution of this bond and relating to the printing or publication by me/us of the aforesaid newspaper(s) of any matter therein, and also for the payment of any damages and costs awarded against me/us in respect of any libel printed or published by me/us in that/these newspaper(s) after the execution of this bond.

As witness whereof I/we have hereunto set my/our hand(s)/the Common Seal of the

Company has been hereunto affixed this 23rd day of JANUARY, 192004.

in the presence of:

1. Name _____

Address _____

Profession _____

2. Name _____

Address _____

Magistrate

OR

Scaled with the Common Seal of HEADLINE

PUBLISHERS

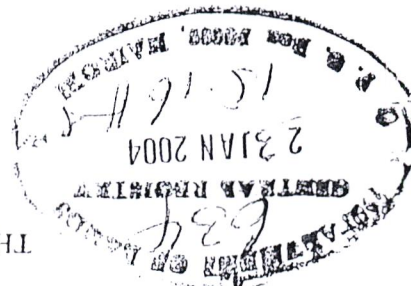
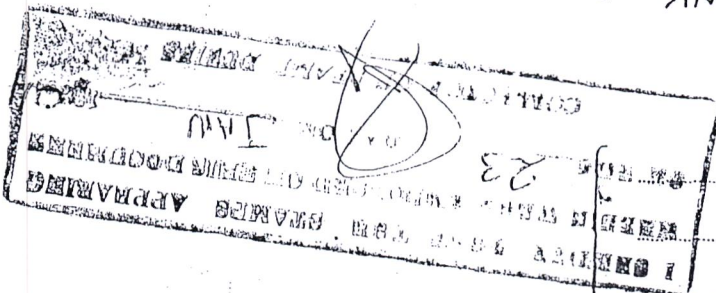
in the presence of:

1. AGATHA - M. WYLLIE

2. AUSTINE MURUKA

P.T.O.

19/1/04
CTC







KENYA REVENUE
AUTHORITY

www.kra.go.ke

Tax Compliance Certificate

For General Tax Questions
Contact KRA Call Centre
Tel: +254 (020) 4999 999
Cell: +254(0711)099 999
Email: callcentre@kra.go.ke

Taxpayer PIN : P051527358R

Certificate Date: 08/11/2018

Name and Address :

Headlink Publisher Limited
nairobi, nairobi, Kasarani District,
PO Box:1,
Postal Code:00100

Certificate Number:

KRANON3205562018



**This is to confirm that Headlink Publisher Limited,
Personal Identification Number P051527358R
has filed relevant tax returns and
paid taxes due as provided by Law.**

**This Certificate will be valid for
twelve (12) months up to 07/11/2019.**

Caveat

This certificate is issued on the basis of information available with the authority as at the certificate date mentioned above. The Authority reserves the right to withdraw the certificate if new evidence materially alters the tax compliance status of the

Disclaimer : This certificate is system Generated and therefore does not require signature. You may confirm validity of this certificate on the iTax Portal by using the TCC Checker.



KENYA REVENUE
AUTHORITY

Tax Compliance Certificate

For General Tax Questions
Contact KRA Call Centre
Tel: +254 (020) 4999 999
Cell: +254(0711)099 999
Email: callcentre@kra.go.ke

www.kra.go.ke

Taxpayer PIN : P051527358R

Certificate Date: 23/02/2015

Name and Address :

Certificate Number:

Headlink Publisher Limited

KRANON0993922015

nairobi, nairobi, Kasarani District,

PO Box:1,

Postal Code:00100

**This is to confirm that Headlink Publisher Limited,
Personal Identification Number P051527358R
has filed relevant tax returns and
paid taxes due as provided by Law.**

**This Certificate will be valid for
twelve (12) months up to 23/02/2016.**

Caveat: This certificate is issued on the basis of information available with the authority as at the certificate date mentioned above. The Authority reserves the right to withdraw the certificate if new evidence materially alters the tax compliance status of the recipient.

Disclaimer : This certificate is system Generated and therefore does not require signature. You may confirm validity of this certificate on the iTax Portal by using the TCC Checker.

Certificate Date : 20/02/2015

Personal Identification Number

P051527358R

This is to certify that taxpayer shown herein has been registered with Kenya Revenue Authority

Taxpayer Information

Taxpayer Name	Headlink Publisher Limited
Email Address	gATHungued06@Gmail.com

Registered Address

L.R. Number :	Building : nairobi
Street/Road : nairobi	City/Town : nairobi
County : Nairobi	District : Kasarani District
Tax Area : Ruaraka	Station : North of Nairobi
P. O. Box : 1	Postal Code : 00100

Tax Obligation(s) Registration Details

Sr. No.	Tax Obligation(s)	Effective From Date	Effective Till Date	Status
1	Value Added Tax (VAT)	19/02/2015	N.A.	Active
2	Income Tax - Company	19/02/2015	N.A.	Active

The above PIN must appear on all your tax invoices and correspondences with Kenya Revenue Authority. Your accounting end month is February unless a change has been approved by the Commissioner-Domestic Taxes Department. The status of Tax Obligation(s) with 'Dormant' status will automatically change to 'Active' on date mentioned in "Effective Till Date" or any transaction done during the period. This certificate shall remain in force till further updated.



PIN Certificate

Certificate Date : 20/02/2015

Personal Identification Number
P051527358R

This is to certify that taxpayer shown herein has been registered with Kenya Revenue Authority

Taxpayer Information

Taxpayer Name	Headlink Publisher Limited
Email Address	gAThungued06@Gmail.com

Registered Address

L.R. Number :	Building : nairobi
Street/Road : nairobi	City/Town : nairobi
County : Nairobi	District : Kasarani District
Tax Area : Ruaraka	Station : North of Nairobi
P. O. Box : 1	Postal Code : 00100

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28 February 2014

MCK/001/CEO/ COURTESY CALL/VOL 1/FOL 1

Mr Tom Alwaka
Editorial Director
Weekly Citizen
Summit House 3rd floor
Moi Avenue
P.O.Box 7693-00200
NAIROBI

Dear Mr Alwaka

RE: COMPLAINTS COMMISSION REQUEST FOR A COURTESY CALL

The Media Council of Kenya is established by the Media Council Act 2013 as the leading institution in the regulation of media in Kenya. Section 27 of the Act establishes a Complaints Commission independent from the Council to enforce media standards set the by the Council.

In our endeavour to enhance collaboration and understanding of the work of the Commission in promoting media freedom and responsible journalism in Kenya, the Commission proposes to pay a courtesy call on you at a time that is convenient for you at a date in early March 2014.

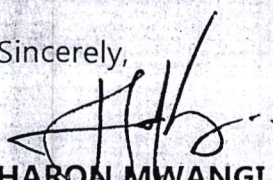
Besides familiarisation with the Commissions' dispute resolution mechanisms, the visit will also leverage our co-operation with the Weekly Citizen as we implement our mandate.

The delegation to visit the Weekly Citizen will comprise the Complaints Commissioners, members of the Media Council of Kenya and the Chief Executive Officer of the Council.

Kindly let us know when this can be possible so that we can adequately plan from our end.

We greatly appreciate your continued collaboration with the Media Council of Kenya in our efforts to promote media freedom and responsible journalism in Kenya.

Sincerely,


HARON MWANGI

Chief Executive Officer & Secretary to the Council

Summit House, 3rd Floor, Moi Avenue,
Opposite Central Police Station.
P.O. Box 6865-00200, Nairobi
Tel: 020-2013246 / 0710-505252
Fax: 020-2249569

HEADLINK PUBLISHERS
Publishers of **Weekly Citizen**

11 March 2014

Dr Haron Mwangi
Chief Executive Officer
Media Council of Kenya
Britak Centre
Ground Floor
Mara/Ragati Road Junction, Upper Hill
P.O. Box 43132 00100
NAIROBI



Dear

Dr. Mwangi

YOUR RE: MCK/001/CEO/CPOUTESY CALL/VOL 1 /FOL 1

We hereby sincerely acknowledge receipt of your above referenced letter dated 28 February 2014 and wish to thank you most profoundly for your consideration and time in requesting to meet us to strengthen our working collaboration towards a common goal.

As we take cognizant of the enormous task bestowed onto you and the commissioners in carrying out your mandate to regulate the practice of Journalism in Kenya as by law prescribed, we will be happy to receive and engage the Council in this noble endeavour to enhance our understanding of the commission's task and put our art to work together.

In this regard, we are ready and willing to host you and the commissioners on March 18, 2014 at our offices on 3rd Floor, Suite 310 Summit House at 10 am and thereafter to a breakfast meeting at Delta Hotel along University Way.

Kindly let us know the exact number of the Commissioners who will be making the courtesy call to enable us plan appropriately.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stan Luchebeleli".

STAN LUCHEBELELI, Esq.
Chief Editor
&
Former National Vice Chairman
KUJ

COURTESY CALL ON THE WEEKLY CITIZEN

20TH MARCH 2014

Agenda of the Courtesy Call

- ✓ 1. Familiarization with the processes and or operations of the Weekly Citizen
- ✓ 2. Familiarization with the internal dispute resolution methods if any of the Weekly Citizen - *Right of Reply.*
- ✓ 3. Challenges and or complaints about the Complaints Commissions dispute resolution mechanisms
- ✓ 4. Lobbying for advertisement on the role of the Commission in the Weekly Citizen *7.*



DELTA HOTEL

University Way, P. O. Box 6622 - 00300

Cell: 0732 411 117 / 0700 333 999

Meeting Lounges

No. 1357

Date: 20/03/2014

Received from

WEEKLY CITIZEN

Lounges Name:

LUNCHEON FOR MEDIA COUNCIL OF KEPTA

Date of meeting: 20/03/2014

The sum of Kshs.

SEVEN THOUSAND NINE HUNDRED & TWENTY ONLY.

7,920/-

SHS

CASH/CHEQUES

With Thanks

[Signature]

For: Delta Hotel



21st March 2014

Finance Manager,
Citizen Weekly,
Nairobi.

Dear Sir/Madam

RE: PAYMENT OF SUBSCRIPTION FEES

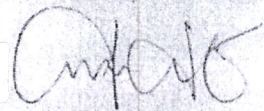
The Media Council of Kenya is an independent national institution established under the Media Act 2013 section 34; 35 of the constitution as a leading institution in the regulation of media, conduct and discipline of journalists.

The Council is mandated to carry out various functions among them being compiling and maintaining a register of journalists, media practitioners, media enterprises and such other registers promote high professional standards among journalists and promote ethical standards among journalists and in the media.

PURSUANT to **sections 6 (1) (m), as read with section 23(c) of the Media Council Act no 46 of 2013**, The Council may, by notice in the Gazette, impose a levy in respect of all media enterprises operating in Kenya, and an annual registration fee in respect of all journalists whose names appear in the registers kept by the Council.

The purpose of this letter is to request your media house to pay a levy of **Kshs 10,000/-** which is invoiced on a quarterly basis.

Thank you for your continued support to the Council.



Victor Bwire

Deputy Chief Executive Officer and Programs Manager

INVOICE

21st March 2014

Finance Manager,
Citizen Weekly,
Nairobi.

DESCRIPTION	AMOUNT
Subscriptions for the month of January 2014	KES. 10,000.00
Subscriptions for the month of February 2014	KES. 10,000.00
Subscriptions for the month of March 2014	KES. 10,000.00
TOTAL	KES. 30,000.00

Cheque payable to:
The Media Council of Kenya Trust
Standard Chartered Bank: A/C NO: 0102096149700
Kenyatta Avenue Branch

PIN Number: P051160048L

MEDIA COUNCIL OF KENYA
P.O. Box 43132 - 00100 Nairobi
TEL: 2725032 / 2737058
MOB: 0727 735252
www.mediacouncil.or.ke

Please tick applicable option.

Cash Deposit ☒ Loan Payment ☐ Credit Card Payment ☐

Account Name THE MEDIA COUNCIL OF KENYA TRUST

Account Currency Kshs Branch KENYATTA AVENUE Date 03 04 2014

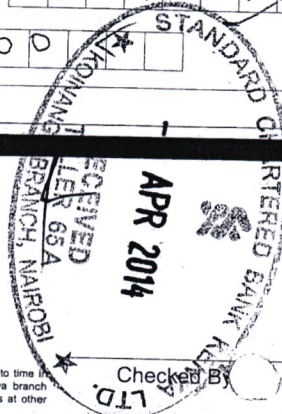
Account /Loan / Credit Card No. 0102096149700

Amount in Words THIRTY THOUSAND ONLY

For Bank Use Only

The Bank's machine validation will constitute acknowledgement of receipt of deposit.

01-020-961497-00 KES THE MEDIA COUNCIL OF KENYA TRU
N 1008978 30,000.00 CD
0007
CASH DEPOSIT



Notes	Qty	Amount
1,000	30	= 30,000 =
500		
200		
100		
50		
Others:		
Coins 20		
Coins 10		
Coins 5		
Coins 1		
Coins:		
Total		= 30,000 =

HEADLINK PUBLISHERS LTD
- WEEKLY CITIZEN

Deposited By/ Customer Signature
Tel. No.: 0722354303

Standard Chartered Bank Kenya Limited

Deposits and their payment are governed by laws in effect from time to time in Kenya and are payable only at the Standard Chartered Bank (SCB) Kenya branch where the deposits were made. SCB has the discretion to allow withdrawals at other branches in Kenya.

RECEIPT

Date 17/4/2014

Received with thanks from HEAD LINK PUBLISHED LTD - WEEKLY CITIZEN

Sum of Kenya Shillings THIRTY THOUSAND SHILLINGS ONLY -

Being settlement for SUBSCRIPTION

Amount KShs.

30,000/-

A/C No. SUBSCRIPTION

Office No. T

Allocation: SUBSCRIPTION

Cash

Cheque No. CASH

Signature: [Signature]

ANNEXTURE 8



CASH DEPOSIT SLIP

Please tick applicable option

Cash Deposit ☒

Loan Payment ☐

Credit Card Payment ☐

Account Name

THE MEDIA COUNCIL OF KENYA TRUST

Account Currency

Kshs

Branch KENYATTA AVENUE

Date

03 04 2014

Account/Loan / Credit Card No.

0102046149700

Amount in Words

THIRTY THOUSAND ONLY

For Bank Use Only

The Bank's machine validation will constitute acknowledgement of receipt of deposit.

01-020-961497-00

KES

THE MEDIA COUNCIL OF KENYA TRU

N 1008978

30,000.00

CD

0007

CASH DEPOSIT

Standard Chartered Bank Kenya Limited

These deposits and their payment are governed by laws in effect from time to time in Kenya and are payable only at the Standard Chartered Bank (SCB) Kenya branch where the deposits were made. SCB has the discretion to close withdrawal at other branches in Kenya.

Checked By

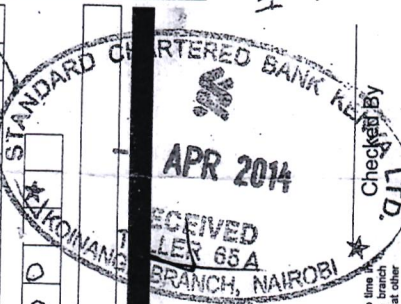
Deposited By/ Customer Signature

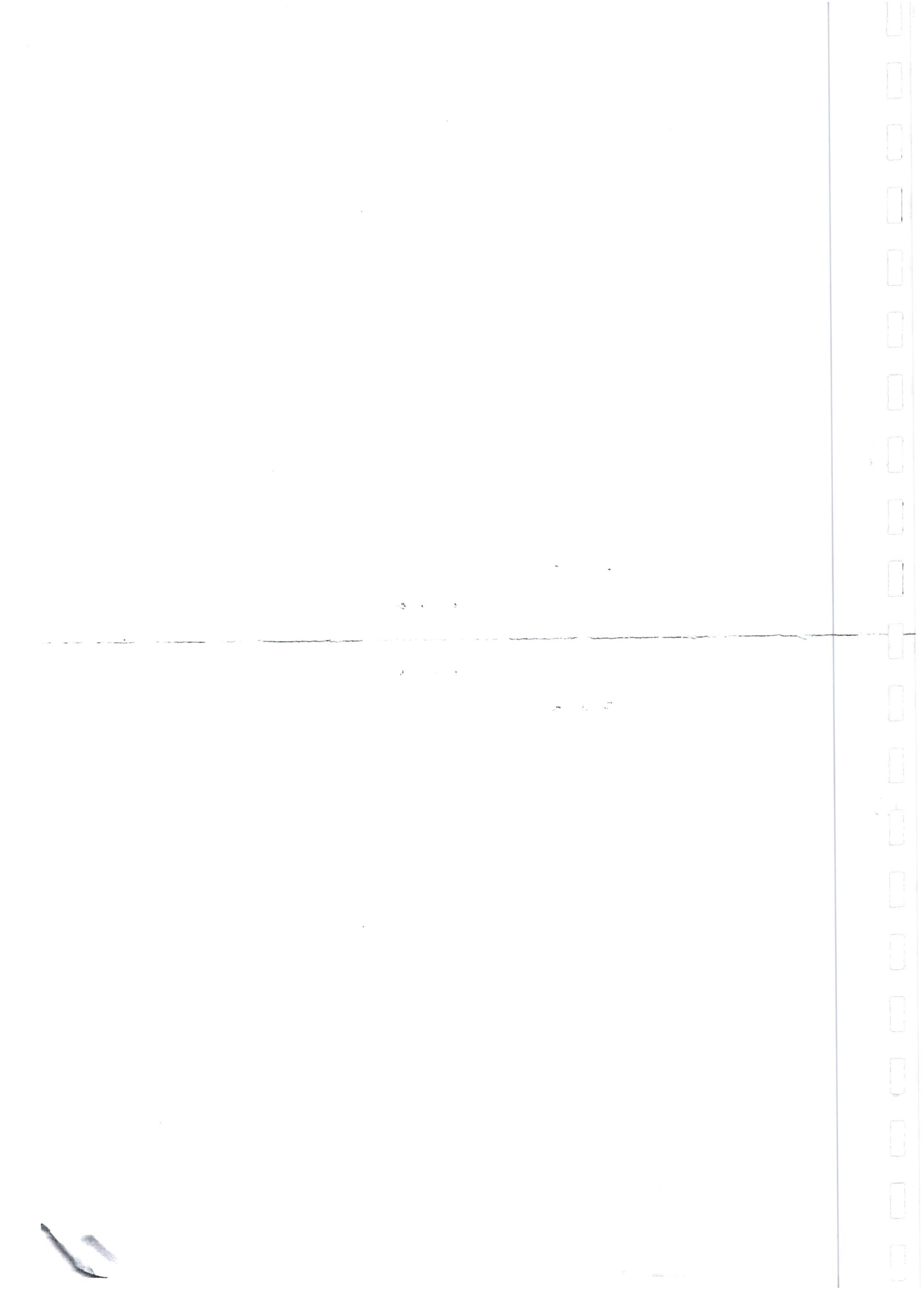
Tel. No.: 011 2574503

Notes	Qty	Amount
1,000	30	30,000
500		
200		
100		
50		
Others:		
Coins 20		
Coins 10		
Coins 5		
Coins 1		
Coins:		
Total		30,000

Beneficiary's Copy

HEADLINE PUBLISHERS LTD
- WEEKLY CITIZEN







MEDIA COUNCIL OF KENYA

P.O. BOX 43132 00100 GPO, NAIROBI, KENYA. Telephone: 0254-2737058

R. No. 2186

RECEIPT

Date 17/1/2014

HEADING PUBLICATIONS LTD - KENYAN CITIZEN

THIRTY THOUSAND QUINCE HUNDRED

THIRTY THOUSAND QUINCE HUNDRED

UNSUBSCRIPTION

ing settlement for

Amount KShs.

30000/-

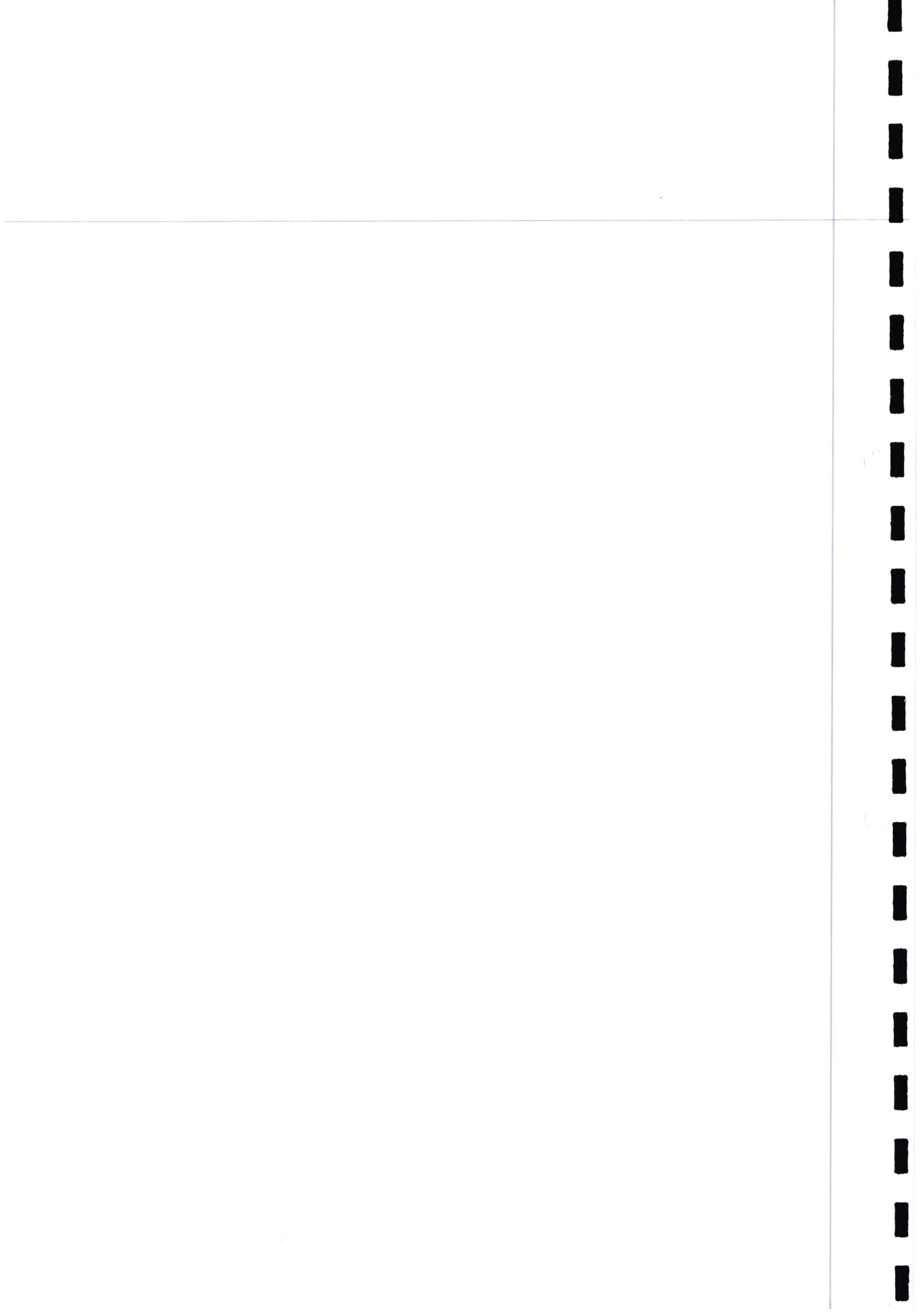
Allocation: SUBSCRIPTION

No. UNSUBSCRIPTION

voice No.

sh cheque No. CASH DEPOSIT

Signature: [Signature]



ANNEXTURE 9

MEDIA COUNCIL OF KENYA ACCREDITED JOURNALISTS

Name	Media House	Position	Base
LILIAN KHATONDI MUKOCHE	103.9 MMUST FM	Producer/Presenter	Kakamega
ROSELEEN MUMBUA NZIOKA	A F J	Writer	Nairobi
SAMUEL NJUGUNA MWANGI	ADCOM Media	Media Consultant	Nairobi
TITUS MUNGOU	Advocacy Accelerator	Communications Lead	Nairobi
PATRICIA ACHIENG WASUNNA	Advocacy Accelerator	Communication Officer	Nairobi
JEFFERSON NJOROGE	Africa Insight Communication	Producer	Nairobi
ELIJAH KANYI	Africa Uncensored	Cameraman	Nairobi
JOHN-ALLAN NAMU	Africa Uncensored	CEO/Reporter	Nairobi
SAMUEL MUNIA WAKABA	Africa Uncensored	Reporter/Cinematographer	Nairobi
EMMANUEL WERE WANJALA	Africa Uncensored	Reporter	Nairobi
DENNIS KABUGI MBAE	Africa Uncensored	Reporter	Nairobi
MOHAMED ALI	Africa Uncensored	Chief Investigative Editor	Nairobi
JOY GAKII KIRIGIA	Africa Uncensored	Reporter	Nairobi
MARGARET WAMBUI	Afrika Light Media	Reporter	Nairobi
ZIPPORAH WANJIKU KIMUNDU	Afrofilms Ltd	Photo-Journalist	Nairobi
VICTOR SAYIALEL KASII	AfroHub Company Ltd	Freelance	Nairobi
SUSAN MWENESI MULAMA	Afromum.com	Online Reporter	Nairobi
PETER THEURI NDIRANGU	Agence France Presse	Photo-Journalist	Nairobi
CELINE CLERY	Agence France Presse	Video-Coordinator	Nairobi
CYRIL BELAUD	Agence France Presse	Correspondent	Nairobi
TRISTAN MCCONNELL	Agence France Presse	Correspondent	Nairobi
NICOLAS CLAUDINE V. DELAUNAY	Agence France Presse	Correspondent	Nairobi
FRANCOIS AUSSEILL	Agence France Presse	Bureau Chief	Nairobi
FRAN BLANDY	Agence France Presse	Deputy Bureau Chief	Nairobi
RAPHAEL ANDENDE AMBASU	Agence France Presse	Video Journalist	Nairobi
SIMON MAINA	Agence France Presse	Photo-Journalist	Nairobi

ANTHONY KARUMBA WANGONDU	Agence France Presse	Photo-Journalist	Nairobi
AILEEN JELAGAT KIMUTAI	Agence France Presse	Correspondent	Nairobi
YASUYOSHI CHIBA	Agence France-Presse	Chief Photo-Journalist	Nairobi
FAHMIDA MILLER	AL JAZEERA	Correspondent	Nairobi
MARIA SAHAR JAN	Aljazeera	Producer	Nairobi
WEBB	Aljazeera	Correspondent	Nairobi
ANDREW DOUGLAS SIMMONS	Aljazeera Media Network	Correspondent	Nairobi
MALCOLM RICHARD WEBB	Aljazeera Media Network	Correspondent	Nairobi
ADOW MOHAMMED ADEN	Aljazeera Media Network	Correspondent	Nairobi
EVELYN KAHUNGU	Aljazeera Media Network	Producer	Nairobi
CATHERINE WAMBUA	Aljazeera Media Network	Correspondent	Nairobi
SIMON MUNENE	Aljazeera Media Network	Cameraman	Nairobi
PATRICK MUGO	Aljazeera Media Network	Producer	Nairobi
MOSES OBUYE	Aljazeera Media Network	Cameraman	Nairobi
MUTHONI NJUGUNA	Aljazeera Media Network	Producer	Nairobi
STEPHEN KINYUA	Aljazeera Network	Cameraman	Nairobi
CHRIS MATLOCK	Aljazeera Network	Photo-Journalist	Nairobi
MOHAMMMED ISAM JAMJOOM	Aljazeera Network	Correspondent	Nairobi
JOHN GREEN OTUNGA	Amani FM	Station Manager	Tana River
ELIZABETH ATIENO OPUDO	AMWIK	Freelance	Nairobi
ESTHER MWAKINA	Anguo FM	Reporter	Voi
DARIUS KISAKA	Anguo FM	Reporter	Voi
JULIUS MARIKI MWAKIWO	Anguo FM	Reporter/Presenter	Voi
HANNINGTON NICHOLAS NDIGHA	Anguo FM	Reporter	Voi
INNOCENT KIRIGHA	Anguo FM	Reporter	Voi
MICHAEL MSINGA	Anguo FM	Reporter	Voi
JAVAN MWADIME MWANYADI	Anguo FM	Station Manager	Voi
MERCY MWAZO	Anguo FM	News Editor	Voi
FANUEL ADOLI	ARD German Radio	Producer	Nairobi
JOHN K WAIGANJO	ARD German TV	Digital Reporter	Nairobi
LAWRENCE MWERESA	ARD German TV	Editor	Nairobi

KAGUU KIMANI	ARD German TV	Photo Journalist	Nairobi
ASSIA MOHAMED SHIDANE	ARD German TV	Producer	Nairobi
HOLT	ARETE	Photo-Journalist	Nairobi
JOSH LEDERMAN	Associated Press	Reporter	Nairobi
TIRO	Associated Press	Freelance	Nairobi
BENJAMIN PHILIP CURTIS	Associated Press	Bureau Chief/Photo-Journalist	Nairobi
GEOFFREY MULWA KAVITI	Associated Press	Freelance	Nairobi
MOSES MUNYIRI NDUNGU	Associated Press	Freelance	Nairobi
WINNIE KAMAU	Association of Freelance Journalists	Data Journalist	Nairobi
MARY MWENDWA	Association of Freelance Journalists	Reporter	Nairobi
PORTUS CHEGE	Association of Freelance Journalists	Reporter/Photo-Journalist	Nairobi
VIVIANNE WANDERA	Association of Freelance Journalists	Reporter	Nairobi
CORNELIUS MOTUKA MANOTI	ATG Radio	Freelance	Nairobi
DINGANI MASUKU	Corp.	Producer	Nairobi
OSCAR OMONDI	Aviation TV	Correspondent	Mombasa
GEORGE NGESA	AWCFS	Photo-Journalist	Nairobi
RUTH OMUKHANGO	AWCFS	Reporter	Nairobi
JANE ACHIENG GODIA	AWCFS	Editor	Nairobi
ARTHUR OKWEMBA	AWCFS	Executive Director	Nairobi
ODHIAMBO ORLALE	AWCFS	Consultant	Nairobi
JOYCE CHIMBI	AWCFS	Reporter	Nairobi
CAROLYNE ACHIENG OYUGI	AWCFS	Reporter	Nairobi
MUIRURI	AWCFS	Reporter	Nairobi
ANNIE WANGUI WAITE	AWCFS	Reporter	Nairobi
OSCAR NYOHA	Baraka FM	Senior Reporter	Mombasa
GEORGE ODUOR OTIENO	Baraka FM	News Editor/Anchor	Mombasa
SAMUEL MWAURA MBURU	Baraka FM	Reporter/Presenter	Mombasa
NYAMUTA	Baraka FM	Senior Reporter	Nairobi

SUSAN WANJIRU KARAGO	Baraka FM	Managing Editor	Nairobi
MANDI	Baraka FM	News Anchor	Mombasa
WYCLIFFE OTIENO OKUMU	Baraka FM	Reporter/Presenter	Mombasa
JOYCE AKINYI JURA	Baraka FM	Reporter	Mombasa
DAVID	Baraka FM	Reporter	Mombasa
EDDIE KAMAU MWANGI	Baraka FM	Reporter	Mombasa
MICHAEL KINUTHIA MBUGUA	Baraka FM	Reporter	Nairobi
HILLARY MAKOKHA	Baraka FM	Senior Reporter	Mombasa
JANET MURIKIRA NJUNGE	Baraka FM	Online Editor	Mombasa
ANNE ADHIAMBO OKUMU	BBC	Broadcast Journalist	Nairobi
MUTHONI MUCHIRI	BBC	Interactive Journalist	Nairobi
JAMES MURIITHI	BBC	Cameraman	Nairobi
ABDINASIR AHMED BASHIR	BBC	Digital Reporter	Nairobi
PETER WAKABA	BBC	Senior Broadcast Journalist	Nairobi
HUSSEIN MOHAMED	BBC	Reporter	Nairobi
CAROLINE KAROBIA	BBC	Editor	Nairobi
KASSIM MOHAMED	BBC	Broadcast Journalist	Nairobi
FREDINAND OMONDI	BBC	Reporter	Mombasa
AMBIA HIRSI DULLOW	BBC	Producer/Presenter	Nairobi
BASHIR MOHAMED MOHAMUD	BBC	Reporter	Nairobi
CAROLYNE WANJIRU KIAMBO	BBC	Video Editor	Nairobi
ALICE CATHERINE MUTHENGI	BBC	Reporter	Nairobi
MILLICENT MUTHONI WACHIRA	BBC	Reporter	Nairobi
ASIL NASRA GALGALO	BBC	Reporter	Nairobi
GLORIA ACHIENG OUMA	BBC	Broadcast Journalist Video	Nairobi
OCHIENG	BBC	Growth Editor	Nairobi
MUHUMED BURALE MUAWIYA	BBC	Digital Journalist	Nairobi

GEORGE NAMALA WAFULA	BBC	Reporter	Nairobi
MARY NJOKI LINUS	BBC	Media Manager	Nairobi
NJOROGE B MUNGAI	BBC	Reporter	Nairobi
MICHELLE KATAMI GUDA	BBC	Reporter	Nairobi
VALENTINO MACHARIA	BBC	News Director	Nairobi
MARGARET WANJIRU KARANJA	BBC	Broadcast Journalist	Nairobi
DAVID JENGA KINYANJUI	BBC	Broadcast Journalist	Nairobi
MAURICE ODHIAMBO OMONDI	BBC	Cameraman	Nairobi
BRIAN MALA OKUMU	BBC	Video Editor	Nairobi
CAROLYNE WANJIRU KIAMBO	BBC	Video Editor	Nairobi
CALVIN JABEDO	BBC	Video Editor	Nairobi
SHARON JERUTO KIPCHUMBA	BBC	Cameraperson	Nairobi
JOSEPH NGIGI NDUNGU	BBC	TV Director	Nairobi
ABDIKADIR YUSSUF ALI	BBC	Reporter	Nairobi
MUTHENGI	BBC	Reporter/Producer	Nairobi
JASON EDWARD DUNFORD	BBC	Reporter	Nairobi
GEORGE NDUHIU NDIRANGU	BBC	Broadcast Journalist	Nairobi
PRISCILLA NJAMBI NGETHE	BBC	Broadcast Journalist	Nairobi
JEWEL KENDI KIRIUNGI	BBC	Broadcast Journalist	Nairobi
SHARON MACHIRA	BBC	Reporter	Nairobi
PHILISTIAN MWATEE	BBC	Broadcast Journalist	Nairobi
MILLICENT AKINYI AKEYO	BBC	Broadcast Journalist	Nairobi
IAN WAFULA	BBC	Broadcast Journalist	Nairobi
ANGELA WANJIRU MURIUKI	BBC	Broadcast Journalist	Nairobi
LYNACE MWASHIGHADI	BBC	Broadcast Journalist	Nairobi
MILDRED WANYONYI	BBC	Broadcast Assistant	Nairobi
SAMUEL KISAMBE	BBC	Broadcast Journalist	Nairobi
JULIET NJERI	BBC	Editor	Nairobi
PHILIP ROLAND DAVIES	BBC	Photo-Journalist	Nairobi

DINAH GAHAMANYI	BBC	Correspondent	Nairobi
OLUTOMI OLADIPO	BBC	Correspondent	Nairobi
JONATHAN CHAPMAN	BBC	Bureau Editor	Nairobi
THOMAS AMTER	BBC	Producer/Director	Nairobi
REBECCA LIPSCOMBE	BBC	Producer	Nairobi
ALASTAIR MALCOM LEITHEAD	BBC	Correspondent	Nairobi
CHARLOTTE ATTWOOD	BBC	Producer	Nairobi
FARAH MOHAMED YUSUF	BBC	Producer	Nairobi
AHMED IBRAHIM	BBC	Reporter	Nairobi
JIBAT TAMIRAT BIRJ	BBC	Reporter	Nairobi
BEKELE ATOMA	BBC	Correspondent	Nairobi
AKLILU TSEGAY ASRES	BBC	Reporter	Nairobi
ASHAGRE HAILU KARSEMA	BBC	Editor	Nairobi
LINE TSIGAB	BBC	Reporter	Nairobi
SAMUEL GHEBREHIWET	BBC	Editor	Nairobi
YADETA BERHANU	BBC	Reporter	Nairobi
HANNA TEMUARI ANBESSIE	BBC	Reporter	Nairobi
AMEYU ETANA KALO	BBC	Reporter	Nairobi
BERIHU LILAY	BBC	Reporter	Nairobi
ELIAS MULUGETA HORDOFA	BBC	Reporter	Nairobi
SORSU	BBC	Editor	Nairobi
CHRISTINE YOHANNES BERHANU	BBC	Reporter	Nairobi
KALEB MOGES ABEBE	BBC	Reporter	Nairobi
YEMANE NAGISH GEBRAY	BBC	Senior Broadcast Journalist	Nairobi
TIBEBESELASSIE TIGABU AREFAINE	BBC	Senior Broadcast Journalist	Nairobi
WEGENE BAYISSA ALEMAYEHU	BBC	Reporter	Nairobi
KATHRYN MIDDLETON	BBC	Producer	Nairobi
VYBARR CREGAN-REID	BBC	Reporter	Nairobi
KEVIN MOUSLEY	BBC	Reporter	Nairobi
MARK SEAMUS	BBC	Producer	Nairobi
JAMAL MUHUMED OSMAN	BBC	Reporter	Nairobi

SAID AHMED MUSSE	BBC	Reporter	Nairobi
JUSTIN G MILLS	BBC	Photo-Journalist	Nairobi
OLIVIA RUTH CRELLIN	BBC	Producer	Nairobi
KAREN TRACEY GRIGGS	BBC	Producer	Nairobi
RUTH ALEXANDER	BBC	Reporter	Nairobi
KAROLINA MARY MOTTRAM	BBC	Director	Nairobi
AARON OLU TAMILORE AKINYEMI	BBC	Producer	Nairobi
ADEDODYIN OLAYIWOLA ADEPITAN	BBC	Reporter	Nairobi
SEAMUS MICHEAL MCCRACKEN	BBC	Cameraman	Nairobi
RASHEED HARIM SPEEDE	BBC	Camera Producer	Nairobi
ADEMOLA ADEDOYIN	BBC	Reporter	Nairobi
DOMINIC BYRNE	BBC	Freelance	Nairobi
JAMES BISHOP	BBC	Video Producer	Nairobi
EDEN HABTEMICHAEL	BBC	Reporter	Nairobi
HANA ZERATSYON	BBC	Reporter	Nairobi
CHARLOTTE EMILY ANN	BBC	Reporter	Nairobi
ANTHONY FALLSHAW	BBC	Photo Journalist	Nairobi
PATRICK FERGAL	BBC	Correspondent	Nairobi
MIHRET TESHOME	BBC	Broadcast Journalist	Nairobi
MINTESNOT TESHOME	BBC	Reporter	Nairobi
BELAY HUNDUMA	BBC	Broadcast Journalist	Nairobi
HAMZA HUSSEIN	BBC	Broadcast Journalist	Nairobi
GEMECHU BERHANU	BBC	Broadcast Journalist	Nairobi
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ZOMOLO WANJE	Royal Media Services	Reporter	Kilifi
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ANDREW KIPKORIR LANGAT	Royal Media Services	Correspondent	Narok
NICKY GITONGA	Royal Media Services	Reporter	Kwale County
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BETH KAMAU	Royal Media Services	Correspondent	Isiolo
SILANTOI LOLCHOKI	Royal Media Services	Correspondent	Narok
KENNEDY MUTUA JAMES	Royal Media Services	Correspondent	Kitui County
CAROLINE KEMBOI	Royal Media Services	Correspondent	Elgeyo Marakwet
JIMMY SIMIYU	Royal Media Services	Reporter	Bungoma County
MICHAEL MUTINDA KALELI	Royal Media Services	Correspondent	Lower Eastern
FRANKLINE BWIRE WERE	Royal Media Services	Correspondent	Busia
ERNEST KEFA JUMA OWOTSI	Royal Media Services	Correspondent	Kakamega
JOHNSON MURIITHI	Royal Media Services	Correspondent	Kirinyaga
ROSE WANJA MBUGUA	Royal Media Services	Reporter	Muranga
BENNADINE TIEMOI	Royal Media Services	Reporter	Baringo
PATRIS SIMBILI INDIATSI	Royal Media Services	Correspondent	Laikipia/N yandarua
MERY KENDI NJERU	Royal Media Services	Correspondent	Tharaka Nithi
MERCY OBURU	Royal Media Services	Manager	Nairobi
KIMANI	Royal Media Services	Photo-Journalist	Nairobi

SIMON MWANGI NGURE	Royal Media Services	Correspondent	Nakuru
FRANCIS ONGUKO			Vihiga
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VINCENT MWASI	Royal Media Services	Correspondent	Kisii
SALAH DADIO KEINAN	Royal Media Services	Correspondent	Marsabit
SALOME MURUGI	Royal Media Services	Correspondent	Uasin Gishu
ANN NGIGE NYAMU	Royal Media Services	Correspondent	Thika
KOOME ERIC	Royal Media Services	Correspondent	Meru County
GEORGE OMONDI JUMA	Royal Media Services	Correspondent	Migori
GEORGE OCHIENG AMOLO	Royal Media Services	Correspondent	Siaya
PETER MUNGAI MUIBERI	Royal Media Services	Correspondent	Embu County
AUMA VIOLET NAMATSI	Royal Media Services	Correspondent	Kakamega
PROTUS NYONGESA KAITANO	Royal Media Services	Correspondent	Bungoma
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NJOROGE GITHINJI	Royal Media Services	Reporter	Nairobi
SAMUEL MBUGUA	Royal Media Services	Cameraman	Nairobi
CAROLINE KINYUGO	Royal Media Services	Reporter	Nairobi
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VICTOR KINUTHIA MAINA	Royal Media Services	Correspondent	Muranga
JACQUELINE MARIBE	Royal Media Services	Reporter	Nairobi
WANGUI NGECHU	Royal Media Services	Reporter	Nairobi
VINCENT AFANDE	Royal Media Services	Reporter	Nairobi
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MOCHERE FELIX ORARE	Royal Media Services	Cameraman	Nairobi
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FAIZAH MAGANGA	Royal Media Services	Reporter	Nairobi
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SAMUEL RAMTU	Royal Media Services	Reporter	Nairobi

STEVE SHITERA	Royal Media Services	Cameraman	Nairobi
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ANNE MUMBI WARUI	Royal Media Services	Reporter	Nairobi
EDWARD CHWEYA ONGERA	Royal Media Services	Reporter	Nairobi
ELIZABETH KADZO GUNGA	Royal Media Services	Reporter	Nairobi
DENIS OTIENO ODHIAMBO	Royal Media Services	Reporter	Nairobi
MONICA WANGUI GICHOMOH	Royal Media Services	Reporter	Nairobi
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MUNYAO	Royal Media Services	Technician	Nairobi
ONYANGO	Royal Media Services	Technician	Nairobi
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CHARLES MITHAMO	Royal Media Services	Technician	Nairobi
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ZUBEDA FARID	Sauti Ya Pwani FM	Presenter	Mombasa
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MARK DAVID HOOPER	SBS Australia	Videographer	Nairobi
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MVUKO	Sifa FM	Reporter	Lamu
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EDMUND MWANJELE	Sifa FM	Reporter	Voi
EDGAR KALIMBO	Sifa FM	Reporter	Voi
WYCLIFFE MASINDE	Sifa FM	Reporter	Lodwar
JANE KESHO ISENE	Sifa FM	Reporter	Marsabit
KASSIM WAQO	Sifa FM	Reporter	Marsabit
ALBERT MWANYASI MWADIME	Sifa FM	Reporter	Marsabit
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