



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A

P.O. Box 62157
00200 Nairobi - KENYA
Telephone: 891601-6
Fax: 254-20-891084
E-mail: academics@cuea.edu

MAIN EXAMINATION

JANUARY – APRIL 2014 TRIMESTER

FACULTY OF LAW

REGULAR PROGRAMME

CLS 416: LAW AND JOURNALISM

Date: APRIL 2014

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

Q1. The Legends Television Station (LTS) has broadcast footage of the trial of Phillip Kia, a journalist who works at the station. The trial is premised on charges of breaching section 3 of the Official Secrets Act, Cap. 187, Laws of Kenya. Because of the sensitivity of the matter, the court has issued an order excluding the public from the trial pursuant to section 12 of the Act. The said footage shows Mr. Kia distraught as the judge is reading the conviction and sentence.

In the meantime, Jane Oile also a journalist with LTS gives a commentary of the case where she says, "... I am surprised The trial judge was clearly biased, ignorant and as usual compromised Judge Wezu is a disgrace!"

She goes on to say that, "... no wonder he is from the Tai Tai tribe, those people are all wicked and crooked they should all be sent to Fugo Island".

- a) The Director of Public prosecutions has asked you to advise him on the culpability of the above mentioned parties and whether any criminal charges can be preferred. **(10 marks)**

- b) In the meantime the journalists believe that penal laws which limit freedom of the media are unconstitutional and have no place in the laws of Kenya. What is your take on this? **(10 marks)**
- c) Discuss the implications of the assertions of Ms. Oile about the Tai Tai tribe in respect to hate speech under the Constitution of Kenya, 2010. **(10 marks)**
- Q2. Give an account of the history of the free press in:
- a) Kenya **(10 marks)**
- b) England **(10 marks)**
- Q3. The balance between freedom of expression as well as of the media and other rights is never easy to determine. Discuss this statement with particular reference privacy and its implications under the law. **(20 marks)**
- Q4. With utmost precision and conciseness point out the contentions additions/changes brought by the Media Council Act of 2013 (Cap 46) as well as the Kenya Information Communications (Amendment) Act, 2013 (No. 341A of 2013). **(20 marks)**
- Q5. What is your understanding of:
- a) Contempt of court. **(10 marks)**
- b) Journalistic privilege. **(10 marks)**

END