



# THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

## A. M. E. C. E. A MAIN EXAMINATION

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

MAY – JULY 2018 TRIMESTER

FACULTY OF LAW

REGULAR PROGRAMME

CLS 416: LAW AND JOURNALISM

Date: JULY 2018

Duration: 2 Hours

**INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions**

- Q1. a) Malinda Kioko is a Facebook Journalist who posted an explosive story. The story alleges that two governors are financiers of the Almasir Terrorist group. Malinda posted a video of the two governors talking about their involvement with Almasir. Governor Okario has taken to twitter stating that Malinda fabricated the video and that his supporters should beat her up and kill her. Other Governor Chenumba, wants the police to bring criminal defamation charges against Malinda. The Anti-terrorism unit has arrested Malinda subject to the Prevention of Terrorism Act.
- i). You are an intern at article 19 organization, the director has asked you to write a draft on Malinda's possible defences for breaching the Prevention of Terrorism Act. **(10marks)**
- b) Using the ruling that justice Mativo delivered; discuss why a criminal defamation prosecution would be dismissed. **(5marks)**
- c) What Kenyan law provides for protection of journalists such as Malinda from threats and physical violence. **(5marks)**
- d) The Computer misuse and Cybercrime Act was to address online offenses however the court suspended 25 sections of the Act. Elaborate on this case and the rationale for the ruling. **(10marks)**
- Q2. Critically examine the dilemma journalist face either to breach the confidentiality of the sources or be charged with contempt. **(20marks)**

- Q3. Margaret Thatcher described the media as the oxygen terrorists need to breath. Discuss the symbiotic relationship between the media and terrorists. **(20marks)**
- Q4. Headlines from Hillary Clinton's presidential campaign "Hillary Clinton: Grandmother-in-chief?" (CBS News); "The Pros and Cons of 'President Grandma' (Time); "Could Hillary's smile cost her the election? (Twitter) mocked Clinton's 'creepy grandma' grin" (Daily Mail). Demonstrate the sexist media coverage of female politicians citing instances. **(20marks)**
- Q5. Using reports from different countries, write short notes on:
- a) Direct Censorship **(10marks)**
  - b) Legislative Censorship **(10marks)**

**\*END\***