



JULY 23, 2019

ICJ KENYA STATEMENT

ON ‘CORRIDORS OF INJUSTICES; HOW CORRUPTION HAS SHARPLY DIVIDED THE JUDICIARY’ VIDEO CIRCULATING ONLINE.

The Kenyan Section of the International Commission of Jurists, (ICJ Kenya) is a membership organization established in 1959. The mission of the organization is to protect human rights and promote the rule of law and democracy in Kenya and across Africa through the application of legal expertise and international best practices.

The organization has in the past been at the forefront in the push for judicial independence and legal reforms in the administration of justice, has actively participated in constitutional and democratic processes over the years to ultimately secure human rights and fundamental freedoms for all Kenyans.

It has come to the attention of ICJ Kenya that a video circulating on social media, specifically on a page called Kenya Hot Today makes reference to a commentary by ICJ Kenya. ICJ Kenya is deeply concerned that the video titled ‘*Corridors of Injustices; how corruption has sharply divided the Judiciary*’, erroneously purports that an ICJ Kenya insider ‘revealed’ information regarding corruption within the judiciary. The video alleges that the ICJ Kenya ‘insider’ ‘shared’ information with the author about the ongoing fight against corruption within the judiciary. The page where the video is posted does not have any contact information and the source is deliberately concealed.

ICJ Kenya would like to categorically distance itself from the purported commentary contained in the video. ICJ Kenya has neither released any statement as is alleged in the video clip in respect to corruption in the Judiciary nor approved publication of such content. ICJ Kenya is presently investigating the matter with a view to seeking appropriate legal action and exercising its right of reply. We confirm that the video has no sanction or authority from the Council of ICJ Kenya.

Whereas ICJ Kenya does not condone corruption and has for over 60 years been at the forefront in consistently promoting human rights, democracy and good governance in Kenya and the region, we would like to reiterate that the content of the video is not the official position of ICJ Kenya. The quotes contained in the video are false and are examples of unprofessional and reckless reporting conduct. It is extremely unfortunate when individuals resort to personal and unfounded attacks. Such attacks do not help advance public discourse on corruption. Rather, they contribute to misinformation, rumors and create more harm. We therefore take great exception to the video content that purports to portray ICJ Kenya official position.

Whenever ICJ Kenya is contacted by the Media for interviews or commentary on a public policy issue, ICJ Kenya has always openly, repeatedly and consistently offered factual and sound legal responses that are on record such as through internally approved official press releases and statements.

The author of the video neither attempted to contact ICJ Kenya's official spokesperson being the ICJ Kenya Chairman nor provided adequate fact-checking on the content. Further, ICJ Kenya has an open and vibrant policy working relations with the media. Media houses are always free to contact our communications department for any inquiries or need for clarification on a matter; this did not happen in this case.

For this reason, ICJ Kenya would like to reiterate the salient provisions of the Media Act 2007 that stipulate;

- a) The fundamental objective of a journalist is to write a fair, accurate and an unbiased story on matters of public interest. All sides of the story shall be reported, wherever possible. Comments should be obtained from anyone who is mentioned in an unfavorable context.
- b) Whenever it is recognized that an inaccurate, misleading or distorted story has been published or broadcast, it should be corrected promptly. Corrections should present the correct information and should not restate the error except when clarity demands.
- c) An apology shall be published or broadcast whenever appropriate in such manner as the Council may specify.
- d) When stories fall short on accuracy and fairness, they should not be published. Journalists, while free to be partisan, should distinguish clearly in their reports between comment, conjecture and fact.

ICJ Kenya calls on the author, in exercise of our right of reply, to retract and bring down the video immediately. We also call upon the authors to further stop any more distribution of the same.

ICJ Kenya demands an adequate and sufficient retraction and a retraction that must appear in a manner comparable to that of the original video and be disseminated to the same audience.

Signed



KELVIN MOGENI
Chairman, ICJ Kenya