

**For Immediate Press Release**

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## **Court Ruling on ‘Mara Heist’ Reinforces the Imperative of Protecting Whistleblowers**

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On this African Anti-Corruption Day, observed under the theme “Effective Whistleblower Protection Mechanisms: A Critical Tool in the Fight Against Corruption,” Transparency International Kenya hails [a ruling](#) by the Employment and Labor Relations Court (ELRC) that underscores the critical importance of protecting whistleblowers. In the case of Spencer Sankale Olochike Vs Maasai Mara University and TI-Kenya & 2 Others (ELRCPET/E097/2021), the court ruled that Spencer Sankale was unfairly dismissed in retaliation for his whistleblowing on the university's resource mismanagement in a TV expose dubbed [Mara Heist](#). The court awarded him the maximum compensation of 12 months’ salary and affirmed that whistleblowers are entitled to protection under Kenyan law, setting a significant precedent in safeguarding the rights of those who expose wrongdoing.

Spencer Sankale, the petitioner, challenged his summary dismissal by Maasai Mara University, claiming it was in retaliation for his whistleblowing role. He argued that his dismissal violated his constitutional rights, including equality and freedom from discrimination under Article 27, human dignity under Article 28, right to fair labour practices under Article 41, right to fair administrative action under Article 47, right to a fair hearing under Article 50, and right to protection of public officers under Article 236. Transparency International Kenya, the Institute of Certified Public Accountants of Kenya (ICPAK), and Amnesty International Kenya as interested parties to the case supported the petitioner's claims. The respondent countered, asserting the court's lack of jurisdiction over corruption matters and justifying the dismissal on grounds of gross misconduct.

The court framed and determined three key issues, whether the petitioner was entitled to protection as a whistleblower, whether the petitioner's dismissal was unfair due to his whistleblowing role, and whether the petitioner was entitled to the reliefs sought.

The court affirmed that Spencer Sankale was entitled to protection under Section 65 of the Anti-Corruption and Economic Crimes Act 2003 and Section 21 of the Bribery Act 2016. His dismissal was deemed unfair and contrary to Section 45 of the Employment Act. Consequently, the court awarded the

petitioner the maximum compensation of 12 months' salary for unfair termination under Section 49 of the Employment Act.

The court's determination is significant in honouring the bravery of whistleblowers like Spencer Sankale by transforming their sacrifices into meaningful and lasting change.

Even as we acknowledge this ruling that affirms the brave action by Spencer to expose acts of wrongdoing, there are concerns that he continues to face threats. This follows a Ksh 40 million demand note to him from the former Maasai Mara University Vice Chancellor who was charged in the case and recently acquitted after the court ruled that the criminal proceedings were defective, with the demand citing defamation and privacy breach caused by the media reportage of the case.

As we commemorate the African Anti-Corruption Day, TI-Kenya urges the Attorney General and Parliament to expedite the adoption of the Whistleblower Protection Bill 2023. If enacted, it will be a significant step towards enhancing Kenya's anti-corruption efforts by ensuring the protection and empowerment of whistleblowers like Spencer. By safeguarding those who courageously expose wrongdoing, we can cultivate a culture of transparency and accountability, which are essential for a just and equitable society.

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