



National Integrity Alliance
Leadership With Integrity

Stop Weaponizing the Judicial System Against Journalists, Expedite Passage of the Whistleblower Protection Bill 2024

PRESS STATEMENT FOR IMMEDIATE RELEASE

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The National Integrity Alliance strongly condemns the growing trend of weaponizing the judicial system against whistleblowers and journalists who expose wrongdoing, particularly in cases of corruption and abuse of public office. We are deeply concerned that individuals who speak out in the public interest continue to face an array of retaliatory actions in the form of defamation suits, regulatory complaints, disciplinary action at work and civil claims.

While we are closely observing the legal proceedings against various whistleblowers, including Mr. Sankale and former Royal Media Services' journalists; Aisha Mwilu and Waihiga Mwaura who were central to the 2019 Citizen TV exposé "The Mara Heist" that implicated senior Maasai Mara University officials, our concern is not only limited to this matter. These lawsuits reflect a broader concern and dangerous pattern of legal retaliation designed to suppress accountability, deter future whistleblowing and intimidate the journalistic pursuit of the truth.

We believe that these legal proceedings against whistleblowers and journalists are not filed with the intention of winning on merit, but to intimidate, silence, and burden critics with the cost of a legal defense until they abandon their cause. This is a hindrance, not only in the fight against other forms of government wrongdoings, but specifically the fight against corruption which is deeply rooted in most public institutions.

The ongoing legal action against Mr. Sankale and the former Royal Media Services journalists highlights exactly what is at stake. Without a strong legal framework protecting whistleblowers and journalists, they are left to navigate harassment and litigation on their own, even when they act in the interest of the public. The delay in passing a Whistleblower Protection Bill 2024 is not merely a procedural issue but a failure to protect the very people who help uphold the rule of law. The delays in having the legislation enacted continue to expose potential whistleblowers to an unconducive environment leading to silence, continuous corruption and mismanagement while eroding public trust.

These legal actions set a dangerous precedence and could swing the door wide open for corrupt individuals to;

1. Circumvent the independence of the press, intimidate and by extension put the democracy of our country at risk.
2. Use media and other regulator complaint processes such as the Media Council of Kenya and other professional bodies to harass reporters or force retractions.
3. Institute unfair disciplinary actions against whistleblowers including dismissal, demotion, or internal disciplinary charges following public disclosures. This will in effect discourage employees from speaking to journalists.
4. Encourage frivolous/malicious legal actions against whistleblowers and journalists either directly or indirectly in order to shift focus and intimidate.

In light of the above, the National Integrity Alliance DEMANDS:

1. The expedited passage of the Whistleblower Protection Bill 2024 to provide comprehensive legal protection for individuals that expose corruption and other government wrongdoings.
2. The strict and thorough investigation into corruption cases to avoid corruption perpetrators getting off the hook on whimsy grounds.
3. Concrete mechanisms within the Judiciary to identify and dismiss frivolous or malicious suits against the whistleblowers to protect them from any form of retaliation action.
4. That the government condemns the continuous intimidation of whistleblowers who expose corruption especially from public institutions and offer the necessary support and protection to avert retaliation.
5. That the Public Service Commission establish and or issue guidelines to public entities on provision of strong internal reporting mechanisms and frameworks critical for safeguarding staff members who come forward with honest reports of wrongdoing.
6. That the media sector/actors come out to condemn this weaponization of the Judicial system against them and protect journalists who face retaliation along their line of duty while exposing corrupt acts.

THE NATIONAL INTEGRITY ALLIANCE (NIA)

The National Integrity Alliance (NIA) is a citizen-centered integrity and anti-corruption coalition comprising Transparency International Kenya (TI-Kenya), Inuka Kenya Ni Sisi! The Kenya Human Rights Commission (KHRC) and The Institute of Social Accountability (TISA). NIA seeks to breathe life into the constitutional promise on Integrity by catalyzing frontline ethics and anti-corruption institutions, and active citizens to Detect, Deter, Disrupt and Defeat corruption at all levels of society.

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