LEGAL DIGEST FALL 2024

Preamble

Greetings!

Welcome to the Fall 2024 edition of the Legal Digest. In this issue, we explore critical legal developments in Kenya and from around the world, offering readers a chance to stay informed about dynamic changes in the law while sparking engaging discourse. We also consider how these developments are relevant to our University, its community and the Kenyan Society. The digest opens with an in-depth analysis of the controversial Finance Bill 2023 that was reintroduced after the criticism and subsequent rejection of the Finance Bill 2024.

Thereafter the digest discusses bills in Parliament that are still undergoing the various stages of the law-making process in order to become laws once passed by the National Assembly or the Senate. The bills noted in this digest are the Assembly and Demonstration Bill that seeks to regulate the constitutional right to assemble and demonstrate, the Creative Economy Bill which will govern how creatives are protected in their industry and well-funded to advance their career, the Sports Bill, which aims to amend the Sports Act to introduce a county fund, the Digital Literacy and Opportunities Bill which seeks to raise the digital literacy levels of citizens through digital literacy programmes and the Breast Feeding Mothers Bill.

After the discussions on bills the digest delves into an analysis of some cases both domestic and international noting the significant developments they have in the health sector, education sector, importance of public participation, alternative dispute resolution and legality of deployment of the Kenya Defence Force.

There is also a section of Fun Facts, which includes a number of 'Did You Know' legal facts that you probably have not interacted with such as the Witchcraft Act.

Your feedback and input on this Digest and previous issues of the Digest is encouraged and will be highly appreciated. We hope that you will find this issue informative and educational in matters within the legal sphere.

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LEGISLATIONS

1. The Finance Act,2023

The Finance Act, 2023 was re-implemented following the withdrawal of the Finance Bill, 2024, serving as the Finance Act for the 2024/2025 financial year.

The Finance Bill, 2024, tabled in May, aimed to reduce the tax burden on low-income earners, promote economic growth and service debts. It was scheduled to commence in July after presidential assent on June 27. However, the President declined to assent to the Bill, citing nationwide protests that peaked on June 25 when protesters infiltrated Parliament. Under Article 115(1)(b) of the Constitution, a bill not assented to by the President must be acted upon within 14 days or is deemed passed. The President returned the Bill to Parliament with instructions to remove all clauses, urging protesters—mainly youth from Gen Z and millennials—to cease demonstrations.

Protesters argued the tax measures disproportionately impacted the poor and vulnerable. While largely peaceful, the protests included incidents of violence, property damage and loss of life. International organizations like Amnesty International condemned the government's response, calling for the protection of peaceful assembly and freedom of expression. The United Nations also urged constructive dialogue with protesters. In response, the government deployed additional security forces to maintain order.

Implemented on July 1, 2023, the Finance Act introduced tax measures and policy reforms to boost revenue collection, economic growth and reduce the budget deficit. It included changes to income tax rates, a digital services tax and the removal of tax exemptions for certain industries. Despite its objectives, the Act faced heavy criticism and legal challenges, with 11 petitions filed in the High Court, nine of which were appealed. The High Court initially declared the Act unconstitutional, but the Supreme Court later reinstated it temporarily to facilitate revenue collection and government operations.[1]

Impact

The controversy underscored the need for robust public participation, especially from citizens most affected by tax policies. It also highlighted the responsibility of the executive

[1] R Omondi *Supreme Court Grants Stay on Court of Appeal's Decision Declaring the Finance Act, 2023 Unconstitutional* (August 2024) < https://www.oraro.co.ke/the-supreme-court-grants-stay-on-court-of-appeals-decision-declaring-the-finance-act-2023-unconstitutional/ >

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and Parliament to consider public concerns. USIU-Africa, affected by intermittent working days due to safety concerns during the protests, relied on an efficient online program to ensure continuity in study and work activities.

BILLS (PROPOSED LAWS)

1. **The Assembly and Demonstration bill, 2024**

The proposed legislation seeks to regulate the constitutional right to assembly, demonstration, picketing and petition under Article 37 of the Constitution. It will repeal Sections 5 and 6 of the Public Order Act and introduce new requirements for public gatherings. Key changes include the introduction of a "marshal" appointed by the event organizer to manage participants and ensure order, distinct from the police-regulating officer. Organizers must submit a notice of intention and will bear liability for damages caused during demonstrations, including property destruction and street clean-up.

The Bill grants police powers to maintain order and allows limitations on peaceful assembly to safeguard public safety, order and the rights of others. Delegated authority will also be granted to the Cabinet Secretary for further regulation.

Impact:

The Bill aims to ensure clarity and security during demonstrations, promoting balance between public safety and the right to protest. However, it could restrict spontaneity and impose a regulatory burden, potentially suppressing student activism and academic freedom. Peaceful but disruptive student protests might face police intervention, creating tensions and discouraging expressions of dissent, which could negatively affect academic discourse and activism.

2. **The Creative Economy Bill, 2024**

The proposed Bill establishes a legal framework to support Kenya's creative economy, accurately defining participants as individuals producing artistic, cultural, or innovative goods and services, such as fashion, music, film and photography. It introduces the Creative Economy Support Fund managed by a governing body called the Guild, to promote the sector's growth. The fund aims to support creative entrepreneurs, ensure the sustainability of creative enterprises and provide financial and technical assistance to individuals and organizations.

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Impact:

The Bill's impact includes fostering a conducive environment for students to explore creative pursuits, with a focus on intellectual property protection to encourage innovation and entrepreneurship. It also proposes funding and incentives to develop creative hubs, offering students opportunities for collaboration, networking and practical experience. These provisions align with efforts to bolster the creative industry's role in economic growth and student empowerment.

3. **Sports bill, 2024**

The bill amends the Sports Act to establish a County Sports Associations Fund in each county. The Fund's objectives include providing financial support to registered county sports associations, facilitating the acquisition and provision of sports equipment, supporting talent identification and development, financing sports facilities development and training and capacity building in sports. The acquiring of monies from the fund is also clearly outlined within the proposed legislation.

County sports associations can benefit from this Fund if they meet the criteria prescribed by the Board. The Fund will support sports talent development at the county level, providing opportunities for individuals to access better sports facilities, training and resources.

Impact:

By providing financial support to registered county sports associations, the bill could enable USIU-Africa's sports persons to compete in county sports programs aside from the usual Kenya Universities Sports Association (KUSA) games thereby building their experience. Additionally, the focus on talent identification and development will provide opportunities for identification and nurturing of promising athletes thus leading to increased participation in sports and greater opportunities for students to pursue athletic careers.

4. **The Digital Literacy and Opportunities Bill,2024**

The Bill establishes a legal framework to enhance digital literacy among citizens and public servants, equipping them with the skills needed to adapt to evolving digital tools and technologies. Its key objectives include: -

- Developing a national digital literacy policy for consistent implementation across national and county governments.
- Supporting research and innovation in digital literacy.

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- Mobilizing resources and providing budgetary support to subsidize county-level digital training.
- Offering technical assistance and capacity building to county governments.
- Integrating digital literacy into formal education systems from early childhood to tertiary levels.

Impact:

The Bill's enactment will equip citizens, including those in remote areas, with essential digital skills, enabling easier access to government services without incurring extra transport costs. Time and costs will be saved while ensuring wider access to information and services.

Students will benefit from early exposure to digital education, easing their integration into higher education and reducing the need for remedial computer courses. Government-supported research in digital literacy will provide students with resources to pursue their interests and advance the field. Overall, the Bill promotes inclusivity, innovation and efficiency in digital education and service delivery.

5. **<u>The Breast Feeding Mothers Bill,2024</u>**

The Breastfeeding Mothers Bill, 2024 aims to protect nursing mothers by ensuring they can breastfeed or express milk at work and during travel. It mandates employers to provide lactation rooms and baby-changing facilities in restrooms to support working mothers. This ensures women no longer have to choose between breastfeeding and job security.

The Bill aligns with Kenya's commitment to treaties advocating exclusive breastfeeding for six months, emphasising the government's role in promoting this practice. Supporting breastfeeding also reduces dependency on imported milk, saving the country foreign exchange

Part I of the Bill Covers the Bill's title and definitions; Part II: Establishes rights for breastfeeding mothers, requiring employers to provide lactation rooms and sanitary baby-changing areas, especially in public restrooms. This supports mothers traveling with infants and Part III: Grants the Cabinet Secretary authority to implement regulations under the Act.

Impact:

The Bill enables working mothers, including those in universities, to breastfeed without interruptions, fostering a healthier bond with their children and ensuring workplace efficiency. Breastfeeding enhances infants' immunity and growth while reducing workplace disruptions. By supporting nursing mothers, the Bill promotes public health, productivity and social equity.

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HOT FROM THE BENCH

Introduction

This section discusses the matters that have been heard and determined by the Courts both nationally and internationally.

National Matters

I. **Aura v Cabinet Secretary, Ministry of Health & 11 others; Kenya Medical Practitioners & Dentist Council & another (interested parties) (2024) eKLR**

A three-judge bench recently declared the Social Health Insurance Fund (SHIF) Act, the Primary Health Care Act and the Digital Health Act unconstitutional. The ruling followed a petition by Joseph Enock Aura, who challenged the laws' constitutionality, citing insufficient public participation, violations of constitutional provisions and unfair burdens on citizens, particularly through mandatory health insurance.

The key issues raised included whether the laws were enacted without adequate public participation, whether specific provisions of the SHIF Act were constitutional and whether healthcare responsibilities were improperly delegated to unqualified personnel. The petitioner argued that the laws were rushed through Parliament, leaving insufficient time for meaningful public input. He further claimed the mandatory health insurance scheme infringed on citizens' rights and imposed unfair obligations.

The Court found that the public participation process was inadequate, deeming it unsatisfactory due to the limited time allocated. Consequently, the Acts were suspended and Parliament was directed to conduct inclusive public participation before proceeding with the legislation.

Impact:

For employees in USIU-A who rely on this insurance, it raises concerns since there is no solid disposition on SHIF and one is relying on the fund for accessing healthcare services.

II. **Kampala International University v Housing Finance Company Limited (2024) eKLR**

The case highlights exceptions that justify the Supreme Court's jurisdiction over a Court of Appeal ruling. Kampala International University (the appellant) sought leave to appeal a High Court decision that upheld an arbitrator's ruling in favor of Housing Finance Company Limited (the respondent). The dispute arose from the respondent's alleged delay in disbursing a loan for constructing the university's Kitengela Campus. After the Court of Appeal denied leave to

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appeal, the appellant approached the Supreme Court, claiming constitutional rights violations and legal errors by the Court of Appeal.

The Supreme Court outlined exceptions allowing its jurisdiction, including cases where the Court of Appeal makes temporary decisions determining constitutional questions or issues orders causing injustice by exceeding its scope. The Court clarified that appeals from the High Court under the Arbitration Act are only allowed if the High Court's decision exceeds the Act's grounds and causes grave injustice.

In this case, no constitutional issues were raised at the High Court. The Supreme Court held that merely alleging rights violations by a superior Court does not warrant an appeal. Finding no constitutional basis, the Supreme Court declined jurisdiction over the Court of Appeal's decision.

Impact:

The decision reinforces the principle that the university must adhere to the established legal framework for solving disputes as shown in the contract.

By dismissing the appeal, the Court has affirmed the role of the Court of Appeal as the final arbiter in most civil cases. This ruling may discourage frivolous appeals and help to streamline the legal processes.

III. **Mathenge v Julie Njuhi Muiruri (t/a Human Hair Centre) (2024) eKLR**

In this case, the petitioner sued for breach of privacy and human dignity after the respondent used her images for advertising without consent.

The petitioner had signed a contract with an enterprise called "Shop New Level" as a model advertising on its Instagram page. The respondent, a Marketing Agent for the enterprise and owner of Human Hair Centre, used the petitioner's images on her personal page to promote hair products. She claimed to redirect inquiries about the petitioner's clothing to "Shop New Level" and argued that the petitioner's claims were invalid as she had benefited from free makeup and hair services.

The respondent contended that the petitioner's contract with "Shop New Level" allowed unrestricted use of the images. However, the Court determined that the contract was with "Shop New Level," not the respondent.

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The court ruled that the respondent violated the petitioner's rights to privacy and dignity by using her images without authorization. The petitioner was awarded Kshs 240,000 in compensation for this violation.

Impact:

This is an intellectual property case that showcases an aspect of copyright law for those in the creative industry. It applies especially in the area of content creation or social media influencing that is quickly advancing and comprises mainly of young people in universities. It is vital that one familiarises themselves with their intellectual property rights before they are misled by individuals with ill-intent.

It is also a caution to people who may want to use someone's image for commercial purposes, that infringe on their privacy or bypass contractual duties.

IV. **Havi v Cabinet Secretary, Responsible for Matters Relating to Basic Education & 7 others; Kenya Private Schools Association & 4 others (Interested Parties) (2024) eKLR**

The petitioner challenged the legality of the Competency-Based Curriculum (CBC), arguing that its implementation lacked the necessary legal framework required by the Basic Education Act. They contended that the CBC violated children's constitutional rights, imposed vocational training on children and contributed to environmental harm through single-use books.

The Court, however, found the petitioner's claims unsubstantiated, noting that they failed to show how the lack of regulations or amendments to the Basic Education Act affected fundamental rights. The CBC had already been rolled out nationwide with significant government investments and halting it would cause major disruption.

The Court dismissed the petition, acknowledging the CBC's widespread implementation and the public interest in its continuation. However, it recognized the need for regulatory adjustments and recommended that the Cabinet Secretary for Education address existing gaps and establish a committee to implement the education reform report.

Impact:

The ruling calls upon authoritative bodies in charge of curriculum development in USIU-Africa to ensure quality standards and relevance when making educational reforms before the learners have been adversely affected and end up not receiving satisfactory and good education.

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V. Deployment of the Kenya Defence Forces Case: Law Society of Kenya v Attorney General & 4 others (2024) eKLR

A petitioner challenged the deployment of the Kenya Defence Forces (KDF), seeking conservatory orders against it. They argued that the June Gazette Notice and certain sections of the Kenya Defence Forces Act were illegal, claiming the KDF's deployment lacked clear terms of reference, was initiated before the notice was published and involved Parliament only after publication. The petitioner contended that no emergency had been declared to justify the deployment.

The Court considered whether the deployment should be suspended, noting that military deployment can occur during emergencies or disasters. It found the immediate deployment justified due to the National Police's inability to control public demonstrations on June 25, 2024. While the deployment was deemed appropriate, the Court noted the public had not been adequately informed, creating apprehension.

The Court ordered that the terms of engagement, including the duration of the KDF's involvement, be defined and published within two days to address public concerns.

Impact:

Regular police deployment on or around the university could affect the institution's reputation. It might be perceived as a sign of instability or a lack of safety, potentially impacting prospective students' and parents' views about the university environment. The sight of police in full riot gear or the sounds of conflict can lead to anxiety among students and staff and affect the performance of people in the university.

VI. Intellectual Property Case: Hubert Mbuku Nakitare v Brian Mutinda & another

Rapper Hubert Mbuku Nakitare, known as Nonini, filed a lawsuit in August 2022 against Brian Mutinda and a local company for copyright infringement. Nonini claimed that his song "We Kamu" was used without permission as background music in a promotional skit for the Synix U51 TV series. The video, created by Mutinda on TikTok, was later shared on the company's official Facebook page. Nonini argued that neither Mutinda nor the company sought his consent or obtained the necessary synchronization license to use the song, violating his intellectual property rights.

Principal Magistrate H.M. Ng'ang'a ruled in favor of Nonini, finding both Mutinda and the company liable for copyright infringement. The judgment emphasized that the video content, which featured Nonini's song, constituted a clear breach of his rights. The magistrate declared,

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"The actions of the first and second defendants constituted copyright infringement of the plaintiff's composition."

Impact:

This case portrays the growing Intellectual Property field and how one can use the valuable assets involved to their advantage and how not to infringe anyone else's rights in the process. Understanding how patents, trademarks, copyrights, trade secrets work is very critical in knowing how to protect and even use them. This case asserts the Court's position on using someone else's creative work without seeking the necessary consent. By using the artist's song in the promotional video, the defendants infringed the rapper's rights to copyright. To this end, when posting anything on social media or on the university page, students and staff ought to be careful and seek the necessary consent from the original owners of songs or creative works.

VII. ODPC Complaint No. 0280 of 2024, Data Protection Complaint

A client from Malibu Pharmacy brought a complaint before the Office of the Data Protection Commissioner (ODPC) against Malibu Pharmacy on infringement of her personal data. The Complainant alleged that she had ordered prescription medicine from the Respondent (Malibu Pharmacy) which was delivered to her with her name, number, house location, type of prescription and wrong diagnosis tagged on the outside of the package and that the said personal data was shared with third parties without her knowledge and consent. To support her claim, the Complainant produced pictures of how the medical package was sent to her, screenshot pictures of the conversations between the Complainant and the Respondent's employees and the Respondent's settlement note to the Insurance Company. The Respondent herein did not adduce any other evidence aside from the response to the notification letter.

The ODPC was tasked with two issues for determination:

(i) Whether the complainant's Health Data was processed as per the Act; and

(ii) Whether the Complainant was entitled to any remedies as per the Act and the attendant regulations

In its final determination, the Data Commissioner held that the Respondent was liable for unlawfully processing the Complainant's personal data relating to health. The Respondent was ordered to compensate the Complainant Seven Hundred Thousand Kenyan Shillings (Kshs. 700,000) for the unlawful processing of the Complainant's Health Data.

Impact

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In the ever-growing Data Field, it is important for students and the University staff to be careful with how they handle personal data. This calls for extra caution when processing student's personal data in the school to prevent other staff or outsiders access to the sensitive information which may end up landing in the wrong hands. It calls for university community to equip itself with the necessary guidelines in processing of personal data and be aware of the legal implications that may arise from breach of the same.

VIII. Office of the Data Protection Commissioner(ODPC) (Kevin Kiprotich vs SBM Bank)

In May 2023, Mr Kevin Kiprotich Rono received an unsolicited email from SBM Bank, Kenya. However, since he was not their customer, he ignored their messages. The emails persisted and in one year, the bank had sent him 327 messages. The emails included account statements, promotions, offers, PIN/password/one-time password (OTP) alerts, login notifications, transaction OTPs, alerts for account to Mpesa transactions, password reset alerts and account statements. Rono filed a complaint, claiming that he tried calling the lender's customer service desk to stop them from sending the spam emails, but that did not fix the problem[2].

SBM Bank defended themselves by claiming that a customer with a similar name gave them Rono's email address. Weeks before the spam communications started, on April 12, 2023, it was noted during the on boarding process of a person going by the same name, Rono. The ODPC declared in May that SBM Bank had violated Rono's rights as a data controller by improperly processing his personal information for more than a year. In light of this, the Office granted the Complainant Kshs. 450,000 as compensation for the unlawful processing of the Complainant's personal data and the violation of the Complainant's right to object under Section 26(c) of the Act, according to the ODPC's decision.

Impact:

To preserve data privacy, organizations must implement policies, processes and controls. Past incidents, such as sim swap fraud, have shown how poor data practices put clients at risk. Fraudsters impersonate bank employees to obtain account information and access funds, violating legal and regulatory standards.

Entities like USIU Africa must develop clear data protection policies, ensure proper data retention mechanisms and minimize errors in information collection. Regular reviews of held data, ensuring compliance with legal standards and training employees on privacy rules are

[2] https://kenyanwallstreet.com/data-regulator-fines-sbm-bank-kshs-450000-for-privacy-breach/

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crucial steps to mitigate non-compliance. Failing to protect personal information can lead to regulatory violations, financial losses and reputational damage.

International matters

A. WBHO Construction Proprietary Limited v Masenye N.O. and Others

The Labour Court ruling highlights the importance of following proper legal procedures in retrenchment cases and warns against using mutual separation agreements to bypass consultation requirements. The case involved an employee who was asked to transfer but refused, leading to a mutual separation agreement that he later claimed was signed under duress. He filed an unfair dismissal dispute and the arbitrator found that the company had not followed the necessary retrenchment procedures, ruling in favor of the employee. The company sought to review the decision, but the Court upheld the arbitrator's ruling, emphasizing that the mutual separation agreement was essentially a retrenchment attempt without following legal requirements under the South African Labour Relations Act. The employee was entitled to reinstatement or maximum compensation.

Impact:

Employees of the university should be mindful of their rights when it comes to unfair dismissals. It is crucial for institutions to carefully consider their approach to retrenchments and ensure that all legal obligations are met to avoid disputes and maintain a fair and equitable workplace.

B. Advisory opinion of ICJ on Israel – Palestine conflict

On July 19, 2024, the International Court of Justice (ICJ) issued an advisory opinion declaring Israel's occupation of Palestinian territories, including the West Bank, East Jerusalem and Gaza Strip, illegal under international law. The ICJ ruled that Israeli settlements and the exploitation of natural resources in these areas are also unlawful. This opinion followed public hearings in February and March 2024, with 52 states and three international organizations participating—the largest number in ICJ history. The Court ordered Israel to end its occupation, dismantle settlements and provide reparations to Palestinian victims. Israel rejected the ruling, calling it "politically motivated" and "legally flawed," arguing that the Court failed to consider security concerns and was biased due to previous rulings against Israel. This ruling is seen as a significant affirmation of Palestinian rights. [3]

[3] *ICJ ruling on Israeli occupation sparks divergent reactions from Palestine, Israel* (20th July 2024) < https://www.dailynewsegypt.com/2024/07/20/icj-ruling-on-israeli-occupation-sparks-divergent-reactions-from-palestine-israel/ >

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Impact:

This opinion may shed some light on students who are concerned with international diplomacy and human rights. This development could encourage academic discussions and research on international justice, conflict resolution and the role of international legal bodies. It could also influence curriculum content for programs related to international relations and criminal justice.

C. Niamey on presidential immunity

The State Court of Niamey, established by the military, stripped former President Bazoum of his immunity, allowing criminal proceedings to be pursued against him. Since the October 2023 coup, Bazoum and his wife have been isolated, with no communication except for their doctor and their son was only temporarily released in January 2024. Despite calls from the Economic Community of West African States (ECOWAS) for their release, Bazoum remains in detention, with ECOWAS decrying his detention as illegal. Concerns about the fairness of the legal process have surfaced, with Bazoum's lawyer, Moussa Coulibaly, alleging that his client's right to a fair defence has been severely compromised. The military's harsh treatment of Bazoum and his family underscores the repressive measures being used to stifle political dissent and highlights significant human rights violations amid the political crisis in Niger.

Impact:

If there are any students or faculty from Niger or those with ties to the country, they may feel directly affected by the instability. The university might need to provide psychological support or safety briefings for those concerned about their families or friends back home.

D. Bangladesh protests

The Bangladesh protests of 2024 represent a significant chapter in the country's political history, marked by widespread unrest and calls for the resignation of Prime Minister Sheikh Hasina. The protests, which began in July 2024, were mainly university graduates who were unemployed demanding for jobs in their fast growing economy. It culminated to anti-government protests driven by public discontent over rising inflation, allegations of corruption and the perceived authoritarianism of Hasina's government. [4]

The government's response to the protests was marked by a heavy-handed approach, with security forces using tear gas, rubber bullets and mass arrests to disperse crowds. Despite the

[4] A Ethirajan & another *What sparked the protests that toppled Bangladesh's PM?* (BBC News August 2024)

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crackdown, the protests continued to grow, leading to a political crisis that threatened to destabilize the country.

Impact:

The situation of Bangladesh is especially relevant to the students invested in international relations and criminal justice. The protests also show that students may rise against unfair rule and oppression to government powers and make those in authority accountable for their right of employment.

E. <u>Citibank case on whistleblowing</u>

Citibank's former employee, Kathleen Martin instigated a lawsuit against the company, on grounds that she was fired unfairly. Kathleen Martin served as the data transformation chair at Citigroup for about two years and was terminated in September 2023 from her role as the bank's interim data transformation chair after nearly two years at Citi, alleged she was fired for not consenting to Chief Operating Officer Anand Selva's request that she hides information from the Office of the Comptroller of the Currency that would make the lender "look bad." Citi in its counterclaim said that Martin's expulsion followed a lack of requisite leadership and engagement skills to successfully execute in the significant role of interim Data Transformation Chair. Martin's attorney insisted that the company fired Martin only because she complained of illegal activity

The request by Citigroup to withhold important data from the OCC to avoid reputational damage raises a lot of issues for concern. Why would Citigroup withhold such information from the OCC?

Impact

This case highlights the importance of remaining transparent in company dealings. Moreover, the need to comply with the relevant authorities on providing relevant information should be prioritized as this could lead to legal implications. This case is an eye-opener for all university departments to comply with the relevant authorities on providing information needed by the authorities

F. <u>Sean 'Diddy' Combs sex trafficking lawsuits</u>

Sean Combs, also known as Diddy, faces multiple legal cases alleging sexual assault, rape and misconduct, with several plaintiffs, including his former girlfriend Cassie, producer Rodney "Lil Rod" Jones and others, accusing him of abuse. Federal prosecutors have now charged Combs with sex trafficking and transportation for prostitution following an indictment by a

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grand jury in New York. The charges allege that Combs ran a criminal organization, using his business empire and staff to manipulate, coerce and abuse women. The indictment includes charges of sex trafficking, forced labor, kidnapping, arson, bribery and obstruction of justice. Prosecutors claim Combs and his associates intimidated victims and forced them to engage in sex acts, including videotaped sessions he referred to as "Freak Offs." These developments follow nearly a year of legal actions against Combs, marking a significant escalation in the case.

Impact:

Targeting organized crime and racketeering, the Racketeer Influenced and Corrupt Organizations Act (RICO) is a federal law that establishes new legal grounds for actions carried out as a component of an organized criminal enterprise and strengthens already-existing criminal penalties. The racketeering charge against Combs is very serious. The racketeering charge alone carries with it the potential for a life sentence, as does the sex trafficking. Herein, these are among the most serious offenses Diddy stands, which could take a toll on his musical career. It calls out to any influential person or in a position of power, the University included, not to use their position in an unjust manner to commit crimes as this could lead to heavy punishments as provided for by the law.

FUN FACTS

1. **<u>Development of the Sex Offender Online Registry in Kenya</u>**

Kenya has made it easier to combat sexual and gender-based violence by providing an electric register for convicted sex offenders. This registry, allows for the tracking and monitoring of repeat sexual offenders. The initiative aims to enhance the safety of providing easy access to information about individuals convicted of sexual offenses, ensuring that they are held accountable even after serving their sentences. The database is a valuable tool for law enforcement agencies, helping to prevent future crimes by keeping a close watch on those with a history of such offenses. It may also be used by employers while doing their background check before hiring as part of their efforts in ensuring a safe workplace.

This is a significant step in providing justice and protection for survivors of sexual violence.[5] The establishment of this registry aligns with Kenya's commitment to upholding the rights of vulnerable groups and ensuring that justice is served swiftly and effectively.

[5] Kenya has become one of the few countries in the world with a digital sex registry (June 2023) < https://techcabal.com/2023/06/28/kenya-launches-digital-sex-registry/ >

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2. **Lawyers were Discouraged from Advertising**

Unlike many other professions, lawyers in Kenya were traditionally discouraged from advertising their services. This tradition stems from the belief that the legal profession is a noble and dignified calling, not a commercial enterprise. Lawyers should build their reputations based on their expertise, ethical standards and client referrals, rather than through promotional tactics. The advertising takes a regulatory approach to ensure the advertisement is true and not misleading. This explains why advertisements of legal professionals are not televised and are rarely in radio media. For newspapers, advertisements are allowed once in a quarter of an year.[6]

The approach helps maintain the integrity of the profession, ensuring that lawyers are seen as trusted advisors rather than mere service providers.

3. **Chief Justice Koome's Development Plan of Arbitration Centres in Counties**

Chief Justice Martha Koome is spearheading an initiative to revolutionize access to justice in Kenya by launching an autonomous arbitration centre in Nakuru on 4th June 2024. This bold move is part of the wider vision to decentralize judicial services, ensuring that even the most remote regions of the country can access justice through alternative justice systems. These centres are designed to handle civil and commercial disputes, providing a faster and more cost-effective option compared to the conventional Court process. The church will also be an active stakeholder during the launching and it was encouraged to provide its services to assist resolving disputes.

4. **Witchcraft in Kenya**

Kenya has a complete anti-witchcraft statute that was passed in 1925. The law was last amended in 1964 and has been left intact since[7]. The Witchcraft Act regulates witchcraft without outright banning it. It criminalizes the use of charms or "witch medicine" to harm others, but not its general practice. Section 6 makes it an offense to accuse someone of witchcraft, punishable by a fine or imprisonment, unless the accusation is made to an official like a police officer or chief. The Act also mandates chiefs to prevent witchcraft in their areas and gives the District Commissioner the power to assign witchdoctors to specific regions, with the Provincial Commissioner holding authority over lower officials. The law does not clearly

[6] Lawyers' ads big win for clients (December 2020) <https://www.businessdailyafrica.com/bd/lifestyle/personal-finance/lawyers-ads-big-win-for-clients-2053006 >
[7] Witchcraft Act Cap 67, The Laws of Kenya (kenyalaw.org)

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define who qualifies as a witchdoctor and criminalizes impersonating one. Additionally, accusing someone of being a witch is illegal unless reported to authorities

5. **Unfair UK Paternity Leave laws**

Did you know that the UK has among the worst paternity leave provisions, which has led to various campaigns regarding the issue?[8] Campaigners in the U.K. have raised awareness about inadequate paternity leave by attaching life-size baby models in slings to male statues across London and Edinburgh. The campaign, spearheaded by The Dad Shift, calls for improved parental leave policies, advocating for more paid time off for fathers. Currently, the U.K. offers only two weeks of paid paternity leave at £184.03 per week, which lags behind many European countries like Spain (16 weeks) and France (28 days). George Gabriel, co-founder of The Dad Shift, emphasized the importance of fathers' involvement in parenting, arguing that family should be prioritized alongside work. The campaign aims to highlight the need for better support for fathers and promote equal opportunities for both parents to care for their children, ensuring their success. The movement encourages fathers to advocate for their rights, recognizing their role in shaping their children's futures.

[8] NPR,2024 Paternity leave advocates in the U.K. put baby slings on male statues

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