

REPUBLIC OF KENYA
IN THE MATTER OF THE MEDIA COUNCIL ACT [2013]
AND
IN THE MATTER OF THE MEDIA COMPLAINTS COMMISSION
MEDIA COMPLAINTS COMMISSION CASE NO. 2 OF 2025

OL PEJETA CONSERVANCY LIMITED.....COMPLAINANT

VERSUS

LYNN NGUGI MEDIA NETWORK LIMITED.....RESPONDENT
EDITOR, LYNN NGUGI MEDIA NETWORK LIMITED.....RESPONDENT

RULING ON ADMISSIBILITY

A. THE PARTIES

1. The Complainant is Ol Pejeta Conservancy Limited. A Kenyan not-for-profit conservancy.
2. The Respondents are Lynn Ngugi Media Network Limited and Editor Lynn Ngugi Media Network.

B. PARTICULARS OF THE COMPLAINT

3. The Complainant's complaint is against the Respondent for publishing a false and misleading video on the Respondent's YouTube channel on January 31, 2025.
4. The Complainant alleges that the video contains false allegations, misrepresentations, and that the Respondent did not provide the Complainant with an adequate right of reply.
5. The Complainant claims that the Respondent's actions contravene the Media Council Act, 2013, and the applicable journalism standards in Kenya.
6. The Complainant seeks the following remedies:
 - a) Publication of an apology by the Respondent.

- b) Take down of the YouTube video and all related adverse content.
- c) Imposition of a fine against the Respondent.
- d) Recommendation to the Media Council of Kenya for suspension or removal of the Respondent from the register of journalists.
- e) Other supplementary or ancillary directions.

C. RESPONDENTS RESPONSE

- 7. The Respondents, in their Response dated 7th March 2025, refuted the Complainant's allegations and claimed that they had accorded the Complainant the right of reply.
- 8. The Respondents claim that they exercised due diligence in verifying the information and that the publication was in the public interest.
- 9. The Respondents argue that the allegations made in the YouTube video were not determined to be false by a court of law and were an exercise of freedom of expression.

D. THE COMMISSION'S ASSESSMENT

- 10. The Commission relies on Sections 31(a), (b), and (c) of the Media Council Act, 2013, which grants it jurisdiction to receive, investigate, and address media-related complaints against journalists or media enterprises on ethical issues.
- 11. Section 34(1) of the Act provides:
A person aggrieved by -
 - (a) *any publication by or conduct of a journalist or media enterprise in relation to this Act; or*
 - (b) *anything done against a journalist or media enterprise that limits or interferes with the constitutional freedom of expression of such journalist or media enterprise, may make a written complaint to the Complaints Commission setting out the grounds for the complaint, nature of the injury or damage suffered, and the remedy sought.*
- 12. Section 34(2) permits complaints under Section 31 to be made:
 - (a) *orally, either in person or by any form of electronic communication; or*

(b) in writing, addressed to the Registrar of the Complaints Commission, detailing the grounds for the complaint, the nature of the injury or damage suffered, and the remedy sought.

13. Section 35(1) stipulates:

Upon receipt of a complaint, the Complaints Commission shall notify, in writing, the party against whom the complaint has been made, within fourteen days of receipt of the complaint, stating the nature of the complaint, the breach, act, or omission complained of, and the date on which the matter shall be considered by the Commission.

14. Section 35(3) mandates the Commission to conduct a preliminary assessment to determine the admissibility of complaints within fourteen days of receiving submissions from both the Complainant and the Respondent, ensuring that the complaint falls within the Commission's jurisdiction.

15. The issues raised by the Complainant include:

- a. Whether the Respondent published false and misleading information.
- b. Whether the Respondent accorded the Complainant the right of reply.
- c. Whether the Respondent breached the Media Council Act, and the Code of Conduct for the Practice of Journalism in Kenya.

16. The issues raised by the Respondent include:

- a. Whether the allegations in the YouTube video are false.
- b. Whether the Complainant was granted the opportunity to respond by the Respondent
- c. Whether the publication was an exercise of freedom of expression, freedom of the media, and in the public interest.

17. The Commission has assessed the arguments and the law and finds that the complaint meets the threshold for admissibility under section 34(1)(a) of the Media Council Act, 2013. The complaint raises issues regarding the conduct of the Respondent in publishing the YouTube video and whether the publication adhered to the required journalistic standards and legal obligations.

18. The 1st Respondent, as a media enterprise, and the 2nd Respondent, as its editor and a journalist, fall under the jurisdiction of this Commission, as outlined in Sections 31 and 34 of the Act.

E. ORDERS OF THE COMMISSION

I Certify this to be a True copy
of the Original
Sign: *[Signature]* Date: *27th March 2025*
REGISTRAR
COMPLAINTS COMMISSION
www.complaintscommission.or.ke
P.O. BOX 43132 - 00200, NRB

19. The commission finds that on a balance of probability, there is a Prima facie case in the complaint alleging Breaches or violations of the Media Council Act 2013 and/or the code of conduct for the practice of journalism in Kenya and is of the view that the complainant has raised triable issues that ought to be heard on merit before the Commission either through mediation or adjudication.

20. The Complaint is hereby admitted.

DATED and DELIVERED at NAIROBI on this 27th Day of March 2024.



MR. DEMAS KIPRONO
CHAIRPERSON, MEDIA COMPLAINTS COMMISSION

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of the Original
Sign: *[Signature]* Date: *27 March 2024*
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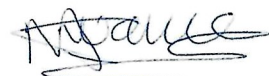
MS. POLLY GATHONI
VICE- CHAIR, MEDIA COMPLAINTS COMMISSION



MR. MASEME MACHUKA
COMMISSIONER, MEDIA COMPLAINTS COMMISSION



MS. NASRA HUSSEIN OMAR
COMMISSIONER, MEDIA COMPLAINTS COMMISSION



MR. KANTIM MWANIK
COMMISSIONER, MEDIA COMPLAINTS COMMISSION