

REPUBLIC OF KENYA
IN THE MATTER OF THE MEDIA COUNCIL ACT [2013]
AND
IN THE MATTER OF THE COMPLAINTS COMMISSION
COMPLAINT NO 9 OF 2024

VINTMARK TRAVEL AGENCY..... 1ST COMPLAINANT

-VS-

NATION MEDIA GROUP.....1ST RESPONDENT

EDITOR DAILY NATION.....2ND REPONDENT

SIMON CIURI.....3RD RESPONDENT

RULING ON ADMISSIBILITY

Background

1. The Complainant is **Vintmark Travel Agency**
2. The 1st Respondent is a Media House named **Nation Media Group**, the 2nd Respondent, is the editor and 3rd respondent is the author of the articles in question
3. The Complainant lodged a complaint on 25th September 2024 against the 1st, 2nd, and 3rd respondents regarding a story published by ***The Daily Nation*** and broadcast on NTV on 24th September 2024, under the following headlines and titles:

“Ksh. 720m Job Fraud Suspect Who was in Ruto’s Germany Trip”.
&
“Fraudster in The President’s Tour”.

4. The Complainant further stated that other subsequent articles and news items were published, on the Respondent’s online and social media platforms.
5. The Complainant detailed that the publication and broadcast contained inaccurate and damaging information regarding **Vintmark Travel Agency**, and that there was a failure to seek the Complainant’s views before publication.
6. Under Section 35(1) of the Media Council Act, the Complaints Commission issued a notice of the complaint to the Respondents.

Respondents Response

7. In their response statement dated 22nd November 2024, the 1st, 2nd and 3rd Respondents denied each and every allegation fact contained in the complaint form.

8. The 1st, 2nd, and 3rd respondents further stated that the broadcast was investigative in nature, and after an independent investigation, the broadcast revealed its source. The complainant's director, Mr. Wagicheru King'ori, was contacted for a comment, but there was no response.

9. The respondent admit to having published the article and broadcast on the date stated in paragraph 3 and 4 of the Complaint.

10. They also stated that the broadcast and the articles were published in compliance with the respondents' constitutional and public duties, as well as their obligation to inform the public on matters of public interest.

11. The respondent further denies that the views of the plaintiff were not sought before the publication and puts the plaintiff to strict proof.

12. The 1st, 2nd, and 3rd respondents further argued that the publication of the broadcast was based on fair commentary, with no intention to malign or inflict unnecessary distress, harm, or embarrassment upon any individual or organization.

13. In conclusion, the Respondents prayed for the complainant's complaint to be dismissed.

The Commission's Assessment

- 1.** The Commission relies on Sections 31 (a) and (b) of the Media Council Act 2013, which grants it jurisdiction to receive, investigate and deal with media-related complaints against journalists or media enterprises on ethical issues.
- 2.** Section 34(1) 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.
- 3.** Section 34(2) A complaint under section 31 may be made— (a) orally, either in person or by any form of electronic communication; or (b) in writing, given to the Registrar of the Complaints Commission setting out the grounds for the complaint, nature of the injury or damage suffered, and the remedy sought.
- 4.** The complaint meets the requirements of Section 34(1)(a) of the Media Council Act, as it alleges that the complainant is aggrieved by the conduct of the media enterprise and the journalists. The allegations of ethical breaches and the negative impact of the statement published in the newspaper article and broadcast on TV warrant investigation.

5. The complaint satisfies the requirements outlined in Section 34(1)(a) of the Act

ORDERS OF THE COMMISSION

6. 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.

The Complaint is hereby admitted

DATED and DELIVERED at Nairobi this.....5th ...of ...December...2024

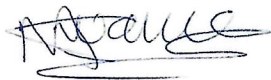


MR. DEMAS KIPRONO
CHAIRPERSON, MEDIA COMPLAINTS COMMISSION

I Certify this to be a true copy
of the Original
Sign: [Signature] Date: 16th December 2024
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