

Kenyan president should not sign cybercrime bill into law

NAIROBI, Kenya - Kenyan legislators have passed a wide-ranging bill that will criminalise free speech, with journalists and bloggers likely to be among the first victims if it is signed into law, according to the Committee to Protect Journalists.



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CPJ has called on Kenyan President Uhuru Kenyatta not to sign into law a [cybercrimes bill](#) that was recently [passed](#) by the National Assembly because it will stifle press freedom.

On April 26, 2018, the National Assembly approved the Computer and Cybercrimes Bill, 2017. The bill, among other provisions, criminalises the publication of false news and stipulates hefty fines and lengthy prison terms for those found guilty of the offense, according to the [Hansard](#), a verbatim published report of debates and proceedings in Kenya's Parliament.

Said CPJ Africa program coordinator Angela Quintal in New York: "We urge President Kenyatta to refer it back to Parliament so that members can ensure that its provisions are constitutional and do not violate the right to media freedom and free expression."

Clause 12 of the bill provides for a five million Kenyan shilling (US\$50,000) fine and/or up to two years in prison for publishing "false" or "fictitious" information. Another clause - [introduced](#) during the morning debate on April 26 by National Assembly majority leader Aden Duale - states that anyone found guilty of publishing false information that "is calculated or results in panic, chaos, or violence" or that is "likely to discredit the reputation of a person" is liable for a fine of five million Kenyan shillings and/or up to 10 years in prison, according to the [Hansard](#).

Apollo Mboya, an advocate and former chief executive of the Law Society of Kenya, told CPJ that the provisions on false news would make it easy for authorities to "gag" journalists with whom they do not agree.

He added that the provisions introduced during the debate that punish speech harmful to the "reputation of a person" are similar to a criminal defamation law that was [declared unconstitutional](#) by Kenya's High Court in 2017.

Other provisions of the proposed law are also likely to undermine freedom of the press. Clauses in the bill that outlaw unauthorised access and sharing of government data do not allow for a [public interest defense](#) to protect whistle-blowers, as noted by Mboya and according to an [analysis](#) by global free speech organisation Article 19.

State House spokesperson Manoh Esipisu on May 4 told CPJ that the presidency would consider reservations about the bill raised in public statements and/or letters addressed to Kenyatta.

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