

~

KENYA FILM CLASSIFICATION BOARD

Office of the Chief Executive Officer

Mobile: +254 0711 222 204
Website: www.kfcb.co.ke
Email: info@kfcb.co.ke

Office Tel: (020) 2250600/+254 2241804
P.O BOX 44226-00100 AIROBI, KENYA
Uchumi House, 15th Floor.

PRESS STATEMENT BY THE KENYA FILM CLASSIFICATION BOARD CHIEF EXECUTIVE OFFICER DR. EZEKIEL MUTUA, MBS, ON THE ARREST OF MUSICIANS VIOLATING THE PROVISIONS OF THE FILMS AND STAGEPLAYS ACT CAP ISSUED ON 1ST SEPTEMBER, 2020

The Kenya Film Classification Board in collaboration with the office of the Directorate of Criminal Investigation (DCI) have this week arraigned in court in Nairobi and Kisumu two groups of artistes for violating the provisions of the Films and Stage Plays Act Cap 222 of the laws of Kenya by producing and exhibiting online unpalatable content.

The first case is that of the Ohangla artiste George Adinda alias Otieno AJoka who produced a vulgar Luo song titled: "Ochot Madbako"

The video which caused great uproar from members of the public contained derogatory language that demeaned women and advocated for paedophilia.

The video was reported to the Board two weeks ago and after investigations we filed a complaint with the DCI.

The Board called for arrest of the artiste who was later arraigned at the Kisumu Law courts by the DCI on 31st August 2020 and charged with three offences of:

1. Displaying audio-visual content contrary to Section 181 of the Penal Code
2. Failure to obtain a filming licence contrary to Section 4(1) of the Films and Stage Plays Act Cap 222 of the Laws of Kenya
3. Distribution and exhibition of unclassified content contrary to Section 12(2) of the Film and stage Plays Act.

Aloka, who was out on a police bond of Ksh15, 000 (Ksh Fifteen thousand only), pleaded guilty to all the three charges and was sentenced to six (6) months in prison or to pay fine of Kshs.120, 000 (One Hundred and Twenty Thousands).

The Board had initially agreed on an out of court arbitration after Aloka and his producer published a public apology and also wrote to the Board asking for an out of court settlement.

The Board had agreed to the request and written to the DCI to withdraw the case, but because the matter had already been reported to the police and given an OB number and allocated a hearing date, the withdrawal was to be done before the judge in Monday 31st August 2020.

Interestingly, upon appearance in court, the accused pleaded guilty to all the charges before the DCIO could present the request for withdrawal. The law took its course and the accused was therefore sentenced to Six Months jail term or to pay a fine of Ksh120,000 (Ksh One Hundred and Twenty Thousand).

In another case, following myriad complaints from members of the public as captured by the Board's Broadcast and Monitoring Unit, the Board in collaboration with the DCI arrested and charged in court the producers of a vulgar video song dubbed Niko Thirsty which was produced about a month ago and posted online.

The four singers, namely George Lio, Moses Osidiana, Raymond Kabagazi and Simon Mandela, were consequently arraigned at the Milimani Law Courts on 3rd August 2020 for plea taking before Senior Resident Magistrate Hon. Muthoni Njagi. They were accused of contravening the Films and Stage Plays Act Cap 222 of the Laws of Kenya and the Penal Code under the following offences:

1. Displaying of obscene audio-visual content contrary to Section 181 of Kenya penal code.
2. Failure to obtain a filming license centrally to Section 4 (1) of the Films and Stage Plays Act, Cap 222 laws of Kenya.
3. Distribution and exhibition of unclassified content contrary to Section 12(2) of the Film and Stage Plays Act.

The accused pleaded not guilty to the charges and were released on a Cash bail of Ksh 10,000 each (Ksh Ten thousand only). The case will be mentioned on the 17th September 2020 in preparation for the hearing.

In light of the foregoing, I would like to state as follows:

1. Any artists contravening the **Films and Stage Plays Act Cap 222** will from now henceforth face the full force of the law.
2. All free-to-air radio and TV stations are by issue of this statement directed to desist from airing this rancid song and others in the same class, failing which, the Board will take the necessary legal action against the singers, producers and exhibitors of such unrated content.
3. KFCB has sought the support of the Communications Authority of Kenya (CA) to ensure that Broadcasters who violate the watershed period principle by exposing children to adult content are punished in line with the terms and conditions of their broadcasting licenses issued by CA. The Board is also working closely with the DCI to enforce the provisions of Cap 222 in respect to content creation, distribution, broadcasting and exhibition. Both the CA penalties and the enforcement of CAP 222 will be applied jointly and severally.

Artists who continue to produce and distribute dirty content in the name of creativity and posting it online will also face the full force of the law.

Content creators must realize they are instrumental in shaping societal values. They must play a positive role in stemming the wave of moral decay by complying with the law and ensuring that content is not used to destroy children. Artistes must avoid putrid and obscene art and help to mould a better society.

It's our hope that Otieno Aloka, as well as the artistes behind **Niko Thirsty** will serve as a lesson to many other rogue artistes who thrive in producing and distributing unpalatable content online.

The Board is grateful to members of the public, our national leaders, including legislators, who have joined in the war to protect the future generations of our nation by calling out and shaming rogue artistes. Content doesn't have to be dirty to sell.

As a Board, we are committed to enforcing the **Films and Stage Plays Act Cap 222** and working with artistes to change the narrative that content must have vulgar language or sexual innuendos to become popular.

KFCB has sought the support of like-minded agencies including the CA, Google, Cyber security experts, the National Police Service (NPS) and DCI amongst others to ensure that

we protect children against exposure to harmful film and media content and populate our social media with clean and edifying content.

To this end, we have convened a meeting with YouTube content aggregators to discuss modalities of collaboration with a view to promoting the production of clean content. Details of these engagements will be unveiled in due course.

Finally, I call upon parents, guardians, caregivers and the society as whole to remain vigilant and monitor the kind of content children are consuming on various media platforms, and especially this time they are at home as a result of the COVID-19 pandemic. The protection of children and creating safe spaces for them is a collective responsibility.

C)/1~

Dr. Ezekiel Mutua, MBS
CHIEFEXECUTIVE OFFICER