



Project Work – Legal Writing and Drafting (20 Marks)

Term 1 – 2018

Date of Submission: 31st May 2018, 3:00pm in both hard copy (to Academics Departments – Gate C) and soft copy (Class A & C to Justusmunyithya@gmail.com, Class B, D & F to ckungu@ksl.ac.ke and Class E to miaibuta@gmail.com)

Instructions:

- Answer all questions
 - Observe page limits
 - Use Times New Roman Font (12)
 - Spacing 1.5
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Question 1 (8 Marks)

Prof. Osman Hassan was a Gubernatorial candidate in the 2017 General Elections. He lost to Mr. Jibril Idle by 435 votes. Prof. Osman filed an election petition against Idle's win but the High Court dismissed his petition for lack of any evidence indicating that Idle was not elected in a free and fair election. Prof. Osman has since conceded defeat, abandoned any intention to appeal and wished Jibril Idle all the best in his second term as Governor.

Three weeks ago an expose by a British television station revealed that Cambridge Analytica was involved in the Kenyan electoral process. The expose indicated that several Kenyan politicians had hired Cambridge Analytica (CA) to undertake their online media campaigns. To this end, CA mined data of more than four million Kenyans who use Facebook. CA had been mining the data since January 2016. It was further revealed that the data was mined through a Facebook application created by a Mr. Kogan of Cambridge University. The application not only collected data from people who used the app, but also allowed it to collect data from the Facebook friends of the application user as well. Facebook prohibited the selling of data collected with this method, but Cambridge Analytica sold the data anyway. The Data mined in respect of Kenyan Facebook users included their Bio data, geographical location, religion, level of education and political views.

Cambridge Analytica used the collected data to design campaign messaging targeting specific persons, groups and communities. It is well known that CA's strategy had been successful in the President Donal Trump's campaigns. CA had also worked on other electoral campaigns around the world.

The British television station expose indicated that Mr. Jibril Idle was one of the Kenya politicians who had successfully used CA's strategy to their benefit. However, to sway voters to support Mr. Jibril Idle,

CA had engaged in a fake news and smear campaign against Prof. Osman. In one of the targeted messages by CA that ran for more than three months before the elections, Prof. Osman was portrayed as an academic cheat, philanderer, wife batterer, a fraud and an atheist. Prof. Osman says that all these were lies calculated to tarnish his reputation. In another social media campaign, Prof. Osman was said to have stepped down in favour of Mr. Idle.

Following the expose, Prof. Osman engages you as his Advocate to take action against Facebook, Cambridge Analytica and Mr. Jibril Idle.

With the above information, draft the following:

- a.) A research outline for the matter. **(Maximum two (2) A4 pages)**
 - b.) A legal opinion to Prof. Osman Hassan on the legal options available against Facebook, Cambridge Analytica and Mr. Jibril Idle. **(Maximum four (4) A4 pages).**
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Question 2 (8 Marks)

Critically analyse the *African Court on Human and Peoples' Rights decision in Lohé Issa Konaté v. Burkina Faso Application No. 004/2013* (attached) and draft:

A case brief **(Maximum five (5) A4 pages).**

Question 3 (4 Marks)

'In the first place we have granted to God, and by this our present charter confirmed for us and our heirs forever that the English Church shall be free, and shall have her rights entire, and her liberties inviolate; and we will that it be thus observed; which is apparent from this that the freedom of elections, which is reckoned most important and very essential to the English Church, we, of our pure and unconstrained will, did grant, and did by our charter confirm and did obtain the ratification of the same from our lord, Pope Innocent III, before the quarrel arose between us and our barons: and this we will observe, and our will is that it be observed in good faith by our heirs forever. We have also granted to all freemen of our kingdom, for us and our heirs forever, all the underwritten liberties, to be had and held by them and their heirs, of us and our heirs forever.'

Draft the above in plain English.