

■ SIKUTA&ASSOCIATES ADVOCATES ■

P.O BOX 78792- 00100 Nairobi,Tel: 0202572587/0725688111

E-mail: info@sikutaadvocates.com

Your Ref: TBA

Our Ref: BMK/LIT/099/2020

Date: 25<sup>th</sup>August, 2020

**Khaminwa & Khaminwa Advocates**

George Padmore Road

Off Marcus Garvey Road, Kilimani

P.o Box 43758-00100

Nairobi.

[Khaminwa05@gmail.com](mailto:Khaminwa05@gmail.com)

*“Advance Copy via e-mail”*

Dear Sirs,

**RE: ALLEGED DEFAMATORY STATEMENTS PUBLISHED BY BRYAN KHAEMBA ON SOCIAL MEDIA PLATFORMS AGAINST YOUR CLIENT, DIDMUS BARASA, MP KIMILILI CONST.**

The above refers.

We act for **BRYAN KHAEMBA** hereinafter referred to as “our client” who has placed your letter of 18<sup>th</sup> instant, the contents whereof have been noted with the following instructions:

1. That your client’s demands are ridiculous, utter dry jokes, comical and are hereby negated in entirety.
2. That our client as a responsible citizen has a duty to ensure that leaders particularly your client, are accountable in proper utilization of public funds meant to benefit the people of Kimilili Constituency.
3. That your client’s allegations depict a character of a paranoid person not amenable to constructive criticism as such unfit to hold any public office in a democratic contemporary Kenya.
4. That prior to your client joining the National Assembly, he had been dismissed by his two previous employers for improper conduct including but not limited to criminal conduct.
5. That for the said previous employers to demonstrate how risky and fraudulent your client was to their business, they published his photograph with attendant details in local dailies of nationwide circulation warning the public against dealing with your client.
6. That with other pending criminal cases in Court bedeviling your client, it is uncertain as to whether he is indeed fit to hold any public office more so, of a Member of Parliament.
7. That your client is on DCI’s radar over a suspected fraud in which he is accused of swindling young poor Kenyans in Kakamega County with a promise of enlisting them in the Kenya Defence Forces.


 **#IKUWEIKUWE COPY**

**Nairobi Office:**  
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**Bungoma Office:**  
Beadon House, 2<sup>nd</sup> Floor,  
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**Sikuta Moses**  
LLM (UoN), LLB(UoN) Dip. KSL

**Robert OM.**  
LLM(Bristol), LLB, Dip. KSL

8. That it is preposterous for your client, a known ex-convict, to commence a smear campaign against our client, a responsible citizen with the interest of the people of Kenya at heart particularly the residents of Kimilili Constituency.
9. That as such it is only prudent, legal and within Kenya's constitutional edict that you advice your client to unreservedly resign as a Member of Parliament, Kimilili Constituency.
10. That the Constitution of Kenya at Article 10(2)(c) sets out the national values and principles of governance which includes; good governance, integrity, transparency and accountability.
11. That the Constitution of Kenya also at Article 75(1)(c) provides that a state officer shall behave, whether in public and official life, in private life or in association with other persons, in a manner that avoids demeaning the office which the officer holds. Your client has violated this requirement in entirety and the only advice you can give him is as set out at paragraph 7 above.  **#IKUWEIKUWE COPY**
12. That further, the Constitution of Kenya under Article 201 provides that one of key principles of public finance include:
  - a) openness, accountability, clear and responsible financial management and reporting; and
  - b) that public money shall be used in a prudent and responsible manner.
13. That the Leadership and Integrity Act at section 3 sets forth the guiding values and principles for state officers and states: *A state officer shall respect values, principles and requirements of the Constitution including the rights and fundamental freedoms as provided under Chapter four of the Constitution which encompasses the freedom of expression.*
14. That further, section 13 of the Act provides that one of the moral and ethical requirements for a state officer such as your client is to accurately and honestly represent information to the public and not misuse public resources.
15. Our client is offended by your client's reference to his patriotic statements and representations as reckless, bogus and misleading and hereby demands an instant written apology.
16. The threatened suit is a non-starter, will collapse and huge legal costs and other consequences ensuing therefrom shall be borne by your client.

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We advise your client to focus on his legislative and oversight roles in the meantime and/or find something constructive to do.

NOTE that any ill-conceived suit against our client will be indefatigably defended from our end.

Be informed accordingly.

Yours faithfully,



Sikuta, MD

For: SIKUTA & ASSOCIATES ADVOCATES

 #IKUWEIKUWE COPY

cc: client

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