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Your Ref:

Our Ref:


Date: 18th August, 2020

BRYAN KHAEMBA,
CHAI HOUSE,
NAIROBI

Dear Sir,

**RE: DEFAMATORY STATEMENTS PUBLISHED BY BRYAN KHAEMBA ON
SOCIAL MEDIA PLATFORMS.**

We refer to the above matter wherein we act for the Honorable Didmus Barasa, the elected Member of the National Assembly for Kimilili Constituency (hereinafter referred to as "Our Client") under whose instructions we write and address you as follows:-

On or around 24th March 2020 vide social media platforms including but not limited to your *Facebook* page, you published highly defamatory statements which have been accessible to millions of people countrywide.  #IKUWEIKUWE COPY

In the said publications, you have published numerous statements concerning our client which are entirely bogus, false and misleading and without any basis whatsoever. Your assertions purport to be true of our client in the discharge of his duties as a representative of his constituents but are in fact a harsh and unjustified attack on our client. As a result, these publications amount to gross and blatant misrepresentation of facts and a deliberate mischaracterization of our client's nobility.

The allegations which you made in your social media page are as follows:-

SHOT ON SMART 4
LEAF X CAMERA

"I have read and listened to some clips wherein the MP for Kimilili is seen and heard questioning the integrity level of the Governor of Bungoma in discharging his mandate. The disgruntled MP has gone ahead to threaten to impeach the Governor in few days to come. Whereas I appreciate the right of the MP in criticizing the County Government, I must state as follows:

1. This is a fellow who has been a benefactor of Governor Wangamati's leadership. I have personally driven him to a site bridge within Sirisia Constituency which was awarded to his Company by the County Government, albeit dubiously. He asked for cash from me to enable him construct the said bridge but having known his character I declined.
2. This same character has a brother working as a Chief Officer in the Office of the Governor by the name of Denson Barasa. If he truly believes that Governor Wangamati lacks the integrity of running the County Government of Bungoma then nothing is easier than asking his brother to 'left' the County Administration.
3. This is a fellow who has been 'popularly sacked from wherever he has worked due to his insatiable appetite for money, the last being Bollore Company where the company had to incur extra resources to put his name on the dailies so that all and sundry could know that he had been sacked.
4. This is a fellow who is under active investigations by the EACC, DCI and the PPRA for a number of malpractices in the management of the CDF and Bursary Funds for Kimilili Constituency.

For avoidance of doubt, no student from Kimilili Constituency has ever received any Bursary funds since 2018 because the fellow used the entire kitty in building a house in his Nasianda Village and conducting a number of PR stints.

Lastly, the gentleman stole the rubberstamp of the Fund Manager which he used to award tenders for the construction of Matili and Chesamis Primary Schools.

So who is corrupt?"

🔥 #IKUWEIKUWE COPY

These statements are not factual; they are inaccurate, ill intended and highly defamatory of our client. The effect of the defamatory statements is that Kenyans are viewing our client as having been involved in illegal activities, that he is not law abiding and that he is not fit to hold office as a Member of the National Assembly. The

said statements are malicious, reckless and were done without any regard for the substantial loss, damage and injury that would be occasioned to our client. These statements are designed to damage the reputation of our client as a public figure and depict him as unworthy of holding public office.

OUR INSTRUCTIONS are to demand from you which we hereby do:-

1. That you offer an unequivocal, unqualified and unreserved apology in writing to our client subject to our review and approval.
2. That you provide an unconditional commitment in writing to desist from releasing and/or publishing any further defamatory statements against our client.
3. The immediate, permanent, and unconditional pulling down and/or deletion of any defamatory statements published, in their entirety, from all social media platforms including but not limited to *Facebook*.

TAKE NOTICE THAT if we do not receive a written confirmation indicating compliance with the above conditions within **14 DAYS** hereof we have firm instructions to institute legal proceedings against you to detriment to costs and other incidentals arising therein. However, we hope that you will cooperate so that we resolve this matter amicably.

 **#iKUWEiKUWE COPY**

Yours faithfully,



Dr. John M. Khaminwa LL.D. D.D

Cc: Client