



KTK ADVOCATES
COMMERCIAL - CORPORATE LAW PRACTICE

Our Ref: L/0048/001

Date: 22nd September, 2017

Your Ref:

Dennis Itumbi,
Head of Digital Media,
The Presidency,
Office of the Deputy President,
Harambee House Annexe,
Harambee Avenue,
NAIROBI.



Dear Sir,

**RE: DEFAMATION & INJURIOUS FALSEHOODS
INTIMIDATION & HARASSMENT
HON. JUSTICE ISAAC LENAOLA, MBS**

We have been retained by our client Hon. Justice Isaac Lenaola, MBS, a Justice of the Supreme Court to write to you as follows:-

- + That he is distinguished Justice of the Supreme Court with unblemished academic and legal record. Our client was a top student in his Primary School, High School and University and has been a Judge locally and abroad with impeccable record beyond reproach.
- + That our client as a Judge of the Supreme Court, our apex court, he has security tenure till the age of seventy, nearly twenty years (20) away.
- + That on the twitter handle @oleitumbi and Facebook page, Dennis Itumbi, you begun running from 13.09.17 or thereabouts series of tweets and postings under the hashtag #WakoraNetwork, *inter alia*, the words following that is to say:-
 - i. That there exist a #WakoraNetwork and #EvilSociety in the Judiciary.
 - ii. That the outcome of the recent Presidential Elections Petition was plotted in a Hospital and an apartment by NASA lawyers and politicians.
 - iii. That the majority decision of the Supreme Court was written by the said #WakoraNetwork.
 - iv. That two Supreme Court Judges attended the said venues.



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- v. That in your own tweets and postings, and re-tweets and likes, you referred to our client as part of the #WakoraNetwork and one of the Judges who attended the said venues.
- + That by your words in your tweets, re-tweets and Facebook, in their ordinary meaning, meant and were understood to mean that:-
 - i. Our client was part of a corruption cartel in the Judiciary.
 - ii. Has delegated his Judicial responsibilities to outsiders.
 - iii. Our client is without ethical standards.
 - iv. Our client is corrupt and corruptible.
 - v. Our client is not impartial.
 - vi. Our client doesn't have the intellectual capacity and vigour to draft his Judgments.
 - vii. Our client has breached his Code of Ethics.
 - viii. Our client has subverted the Judiciary and the Judicial System.
 - ix. Our client is unfit to hold the high office as a Justice of the Supreme Court.
- + That by reason of the said words, our client's hitherto solid professional and legal profession has been injured and has been brought into public scandals, odium and contempt.
- + That further, your tweets and postings amount to harassment and intimidation of our client in his public office as a Justice of the Supreme Court.
- + That you published the said words without caring into their truth or falsity.
- + That as a Public and/or State Officer, your said tweets and postings violates *Chapter Six* of the Constitution and *The Public Officer Ethics Act*, and all other incidental and ancillary statutes. Constitutional Provisions are mandatory and binds all.



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Our instructions are to demand which we hereby do, your immediate scrubbing of your tweets and postings, and thereafter offer an unqualified apology to our client, whereupon we can discuss *quantum* payable.

NOTE that in default of the above, we will file suit seeking compensatory and punitive damages. We will urge the Court to use the expected earnings of our client till his retirement at age 70 as the benchmark.

Further, in respect of the Petition filed in the Judicial Service Commission, which you have given prominence, our client will defend himself in public, and will respond to each and every allegation in the Petition *in toto* and *in Seriatim*. Our client will prove the falsity and malevolence of each allegation. Our client will apply to have you enjoined as necessary party.

We wait your response within three (3) days from the date hereof.

Yours Sincerely,


DONALD B. KIPKORIR
FOR: KTK ADVOCATES

Cc: Hon. Justice Isaac Lenaola, MBS,
Judge of the Supreme Court,
Supreme Court Building,
Chambers 22,
NAIROBI.

DBK/jk