



Press Release

Katiba Institute defends a Kenyan Journalist against a SLAPP Suit by Safaricom

Nairobi, 26 March 2025

Katiba Institute represents Robert Wanjala Kituyi, a Kenyan investigative journalist, in a civil case by Safaricom Limited that restricts citizen rights and evades the obligations to provide information to the Kenyan public.

On 6 November 2024, Robert wrote a letter to Safaricom Limited seeking specific information under the right of access to information enshrined in Article 35 of the Constitution of Kenya and the Access to Information Act. He wanted to know how many court orders were received by Safaricom from police authorities between June and October 2024 seeking personal data or communication details of individuals under investigation, the data privacy measures of customers put in place by Safaricom in compliance with these orders, and steps taken by Safaricom in case of ambiguous or overreaching orders. Robert also asked Safaricom if they have ever denied giving information because of the ambiguity or overreaching nature of such court orders and how many denials (if any).

The request was made following a period when there was a rise in cases of abductions and enforced disappearances in the country. It was alleged that Safaricom shared the personal data of individuals with police officers who were accused of conducting the abductions. Safaricom refused to respond to him.

Robert was then forced to seek intervention from the Commission on Administrative Justice (CAJ), the oversight and enforcement agency under the Access to Information Act, to obtain that information. The CAJ invited Safaricom Limited to respond to the request for information. Again, Safaricom Limited declined to answer. On 5 February 2025, the CAJ determined that Safaricom Limited breached the right to access information and ordered it to share the information sought with Robert.

Instead of complying with the CAJ order, Safaricom went to court and filed a case, *Civil Appeal No. HCCA E207 Of 2025* in the Civil Division of the High Court at Milimani against Robert. (Safaricom PLC v. Robert Wanjala Kituyi.)



The significant grounds of appeal by Safaricom include: -

1. Safaricom cannot be forced to give such information as it is a private entity, and the law on disclosure of information by public entities does not apply to it.
2. The information sought is limited for several reasons, including that it will undermine its commercial interests.
3. Public interest favours non-disclosure of such information.

Katiba Institute is concerned that though Robert sought to enforce a fundamental right enshrined in the Constitution, he now faces the risk of being ordered to pay heavy costs that follow the Strategic Litigation Against Public Participation (SLAPP) suit filed by Safaricom Limited. This suit comes in the wake of [reports](#) that Safaricom has engaged in actions that have been alleged to limit press freedom and derail transparency and corporate accountability.

Press contact: Kevin Mabonga kmabonga@katibainstitute.org

More Information: [Safaricom PLC Vs Robert Kituyi](#)

About Katiba Institute

Katiba Institute (KI) is a research, policy, and public-interest litigation organisation mainly focussed on constitutional issues. It was established in 2011 to help with the implementation of Kenya's 2010 Constitution and to assist in developing a culture of constitutionalism in Kenya. Katiba Institute's principal objective is to achieve social transformation through the implementation of the Constitution.