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REPUBLIC OF UGANDA

IN THE SUPREME COURT OF UGANDA

AT KAMPALA

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**(CORAM: TUMWESIGYE; KISA AKYE; NSHIMYE; MWANGUSYA;
TIBATEMWA; JJ.S.C)**

CIVIL APPEAL NO: 16 OF 2015

BETWEEN

15

MONITOR PUBLICATIONS LTD :::::::::::::::APPELLANT

AND

20

RICKY NELSON ASIIMWE:::::::::::::RESPONDENT

[Appeal from the judgment of Aweri-Opio, Kakuru, Kiryabweire, JJ.A. dated 10th September, 2015 delivered at Kampala in Civil Appeal No. 76 of 2009]

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JUDGMENT OF TUMWESIGYE, JSC.

Monitor Publications Ltd, the appellant in this case, was sued in the High Court by Ricky Nelson Asiimwe, the respondent, for libel.

5 The High Court, Sebutinde, J, decided the suit in favour of the appellant and the respondent appealed against the High Court decision to the Court of Appeal which overturned the High Court decision, hence this appeal by the appellant.

Background:

10 The respondent who was an employee of the now defunct Uganda Airlines Corporation lodged a suit against the appellant in the High Court in Civil Suit No. 1012 of 1995 alleging that the story the appellant published in the Monitor Newspaper of 25th – 28th November 1994 was false and defamatory of him. The appellant in
15 its defence denied the allegation pleading justification. The publication, the subject of the suit, ran as follows:

“AIRPORT OFFICIALS ARRESTED STEALING CARGO

**Police at Entebbe Airport has arrested three Airport officials who tried to smuggle out and steal two colour
20 television sets from the Uganda Airlines Cargo bond recently. The Monitor has reliably learnt that George Sebeera an employee of Rapid Liners, a local clearing firm and Edison Mujuni of Markus (U) Ltd another clearing and forwarding firm at Entebbe Cargo Terminal connived with
25 Nelson Asiimwe a “Strong Room” attendant and Cargo Bond Clerk of Uganda Airlines to steal the sets.**

5 **The electronic sets were initially reported missing from a
large consignment that was cleared last week by another
firm. Last week, however, a plain clothes police woman
Detective Corporal Asiimwe attached to the airport police
acting on a tip off bumped into the three tampering with
10 the seals on the cargo. She arrested the men red handed
charging the packaging marks and numbers on a package.
They were also labeling it to match a consignment that
the two officials from the clearing agencies were about to
clear for their company...”**

15 The learned trial judge decided that although the publication was
defamatory it was justified and dismissed the suit with costs. The
respondent appealed to the Court of Appeal against the High Court
decision on the following grounds:

1. The learned trial judge erred in law and fact when he failed to
20 properly evaluate the evidence on the record thereby arriving at a
wrong decision.
2. The learned trial judge erred in law and fact when he held that the
defamatory publication was true in fact and substance and that
the respondent had proved the defence of justification.
- 25 3. The learned trial judge erred in law and fact when he held that the
respondent was not entitled to the relief sought and in dismissing
the suit with costs.

5 In its judgment on 10th September 2015, the Court of Appeal allowed the three grounds of appeal, awarded the respondent shs. 5,000,000/= as general damages with interest of 15% p.a. and costs. Being dissatisfied, the appellant brought this appeal on the following grounds:

- 10 **1. Having held that the sting of the libel was connivance to steal television sets, the learned Justices of Appeal erred in law in holding that the appellant had not proved the sting and hence the defence of justification.**
- 15 **2. The learned Justices of Appeal misapplied the principles regarding proof of the defence of justification, imposed a heavier standard of proof thereof and hence erred in holding that the appellant had not proved the essential element of substantial truth required for the defence.**
- 20 **3. Having erred in making the finding they did on liability, the learned Justices of Appeal erred in awarding the Respondent damages.**

Submissions of counsel

25 The appellant was represented by Mr. Nangwala James while the respondent was represented by Mr. Sekabanja Kato. Both counsel filed written submissions.

On ground 1 and 2, learned counsel for the appellant submitted that the learned Justices of Appeal failed to re-evaluate the evidence

5 adduced at the trial in relation to the publication and imposed a
burden of proof on the appellant to prove the allegation of
conspiracy as if the trial was a criminal prosecution. It was not in
dispute, counsel submitted, that the respondent was arrested and
handed to police and detained at Entebbe Police Station. The
10 respondent was the only Uganda Airlines official to be arrested
notwithstanding that his Assistant also had the key to the strong
room.

Counsel submitted further that the respondent was dismissed for
conniving with clearing agents to steal television sets as evidenced
15 by Exh. D1. It was not in dispute that the respondent did not record
the television sets in the strong room register as the established
regulations of the employer required of him. Counsel submitted that
the respondent's failure to register the television sets was not an
accident and it was not a coincidence that the two clearing agents
20 were found attempting to smuggle from the strong room the said
television sets which were unrecorded. The failure to record the
television sets, the attempt to smuggle them out and the arrest of
the men clearly showed a conspiracy between the three men,
counsel argued.

25 Counsel further submitted that the fact that the three men were not
arrested at the same time as was reported or that the respondent
was not arrested at the scene was an error of detail. He invited
court to follow the decision in **John Nagenda vs. The Editor of the
Monitor and Another**, SCCA No. 05 of 1994, where Tsekooko, JSC,

5 held that libel was not concerned with inadvertent omission in respect of a factual statement.

Counsel also cited the case of **Sunderland V. Stopes** [1925] A.C 47 where the court stated that there may be mistakes here and there in what has been said which would make no substantial difference
10 to the quality of the alleged libel in the justification pleaded for it. Counsel also cited **Hoare V. Jessop** [1965] E.A. 218 in support of his argument that libel is concerned with substance and not form.

With respect to Ground 2 in respect of which the appellant complains that the learned Justices of Appeal imposed a heavier
15 standard of proof, counsel quoted the following words from the judgment of the Court of Appeal:

**“Like the trial judge noted, theft or aiding and abetting are offences under the Penal Code Act. Since the respondent imputed the commission of a criminal offence on the
20 appellant, the respondent ought to prove the commission of the offence charged as strictly as if the appellant was being prosecuted for the offence if they were to succeed in the plea of justification. We find that the evidence on this point falls far short of that strict proof.”**

25 Counsel relied on the case of **United Africa Press Ltd V. Zaverchard K. Shah** [1964] E.A. 336 where citing the Privy Council the court stated that in every civil action of whatever nature the

5 standard of proof is always the same, being that of preponderance of probabilities.

Counsel argued that the learned Justices of Appeal erred in holding that in pleading justification on an allegation of conspiracy to steal television sets, the respondent was to be placed in the shoes of a prosecutor. Counsel argued that the learned Justices of Appeal placed a burden on the appellant which was contrary to the law. He cited the case of **Bater V. Bater** [1950] 2 All E.R. 458 where Denning L.J held that the case may be proved by a preponderance of probability but there may be degrees of probability within the standard depending on the subject matter.

It was counsel's submission that if the learned Justices of Appeal had addressed their minds to the standard of proof, their finding would have been different.

In response, learned counsel for the respondent submitted that the learned Justices of Appeal correctly found that the sting of libel was the allegation of theft by the appellant's story in the Monitor publication which alleged that the respondent had connived with some employees of local clearing firms to steal television sets and further more that the respondent was among the three men who were caught red handed by Detective Corporal Asiimwe of the Airport Police tampering with the seals on the cargo and changing the packing marks with the intention of stealing the television sets.

5 Counsel submitted that there was evidence on record that on the day of the alleged arrest the respondent was not on duty and there was no evidence of conspiracy by the respondent with George Sebeera and Edison Mujuni.

Counsel further contended that the Court of Appeal found that the
10 respondent was not present on the day the men were arrested. He quoted the Court of Appeal's observation in its judgment that "**Even if the basis of the arrest of the appellant was suspicion of theft as the trial judge held, there is no evidence that the appellant had actually conspired with George Sebeera and Edison Mujuni of Markus (U) Ltd, another clearing and forwarding firm at Entebbe Cargo Terminal.**"

The Court of Appeal found with regard to proving the sting of the libel in the appellant's publication that the evidence of DW1 Pova and DW2 Sango ran parallel to the sting of the article which is
20 conspiracy to commit theft and theft itself; that the evidence of the two witnesses in the court's view only portrayed the respondent as inefficient, negligent or perhaps incompetent and that court did not find the evidence of the defence witnesses depicting the respondent as a thief for the defence of justification to apply.

25 In support of his argument counsel cited the case of **Grobberlaar V. Newsgroup Newspaper And Ltd** [2002] WLR 3024 to show that evidence must support the sting and not anywhere else.

5 On Ground 2 counsel supported the holding of the Court of Appeal that the appellant having alleged commission of a criminal offence ought to prove the commission of the offence alleged as strictly as if the respondent was being prosecuted for the offence. He cited
10 Halsbury's Laws of England 4th Edition, Vol. 28 para 92 which states that "as for any civil actions, the standard of proof is proof on a balance of probabilities, although the more serious the charge the higher the degree."

Counsel argued that the sting of the article was theft which is a serious charge and, therefore, a high standard was required to
15 prove it. Even then, counsel argued, the defendant had not challenged the finding of the Court of Appeal that there was no evidence of conspiracy to commit theft nor of theft itself.

Consideration of Ground 1 and 2

The law of defamation in Uganda is based on common law and it
20 treats a person's reputation as his or her asset and protects it from being injured by another without just cause. The commonly cited definition of defamation is that it is the publication of a statement which reflects on a person's reputation and tends to lower him or her in the estimation of right-thinking members of society generally
25 or tends to make them shun or avoid him. In civil law damage to a person's reputation is usually remedied by an award of damages.

However, there are defences available to defendants sued for defamation and one of them is the defence of justification or truth.

5 For example, if a defendant publishes a statement that a claimant is a thief, the defendant cannot be successfully sued if he or she proves to court that the claimant is a thief.

The burden of proving that the defamatory words are true lies with the defendant. It is not the duty of the plaintiff to prove that they
10 are false. The standard of proof, as in all civil actions, is on a balance of probabilities however, where the defamatory words imputed commission of a criminal offence by the plaintiff the standard of proof seems to be unsettled.

Gatley on Libel and Slander, 5th Edition p. 597 states:

15 **Where the libel charges a criminal offence, the defendant to succeed in his pleas of justification must...prove the commission of the offence charged as strictly as if the plaintiff was being tried on indictment, i.e., beyond a reasonable doubt. The authorities, however, are not**
20 **unanimous that this particularity of proof is required.**

Winfield and Jolowicz on Tort para 12-24, page 551, 17th Edition, states: **"Where the defamatory allegation was that the claimant had committed a criminal offence, the rule of the common law was that his criminal conviction was not even prima facie**
25 **evidence of guilt for the purpose of the defamation proceedings, and this meant that the defendant had to prove the guilt if the defence of justification was to succeed."** However, the author goes on to say that the Civil Evidence Act 1968

5 (which is not Uganda's law) provides that proof that the plaintiff stands convicted of the offence is conclusive evidence that he committed it.

The Court of Appeal in the instant case seems to have based itself on Halsbury's Laws of England, 3rd Edition, Volume 24 p. 85 to say:

10 **"If the statement complained of imputes the commission by the plaintiff of a criminal offence, the respondent to succeed in the plea of justification must prove the commission of the offence charged as strictly as if the plaintiff was being prosecuted for the offence."**

15 However, in the case of United Africa Press Ltd V. Zaverchaud K. Shah(supra) the East Africa Court of Appeal seems to have thrown doubt on the strictness of proof as in criminal cases. For this I will quote *in extensio* what Sir Tevor Gould, V.P., stated in his judgment which was supported by Newbold, J.A.:

20 **The other important point of law which arises is whether the learned judge erred in accepting as correct the statement from Halsbury's Laws of England (3rd Edn, Vol. 24) at p. 47, to the effect that a defendant seeking to justify a libel imputing the commission of a criminal**
25 **offence must prove the commission of the offence as strictly as would be necessary in a criminal prosecution. I agree with Crawshaw, J.A., that this point is not essential to the decision of the appeal as the learned judge said that**

5 even on a mere balance of probabilities he found the
evidence inadequate, and I see no reason to interfere with
his finding on that basis. On the question of law, however,
I agree with what has been said by Crawshaw, J.A. It is
10 true that the view expressed in Halsbury's (supra) has the
support of the decision in Willmetts V. Harmer (1839),
173E.R 1326 and Chalmers V. Schackell (1834), 172 E.R.
1326, which are cases directly in point, in that they
related to justification of libels of the kind in question.
The cases which support a contrary view relate to other
15 matters. It may well be urged that a man does not have to
accuse another of having committed a crime and if he
does so he ought to be prepared to prove the truth of his
assertion with complete strictness. It ought not to be
enough to show that a plaintiff probably committed a
20 crime. On the other hand there is a great divergence in
the gravity of acts classed as crimes (a simple assault can
hardly be compared to a rape) with a corresponding
divergence in the gravity of allegations of crime.

It is clear, therefore, that there are conflicting authorities on the
25 standard of proof in the plea of justification where the defamatory
words allege commission of a criminal offence. However, as Gould,
V.P., in United Africa Press V. Shah (supra) rightly observed "it
ought not to be enough to show that a plaintiff probably committed
a crime". A higher standard is required where a criminal offence is

5 alleged than on a standard of proof based on a balance of probabilities. Denning, L.J., stated in *Bater V. Bater* (supra) that even in civil cases the degree of proof depends on the subject-matter and that there is no uniform standard.

10 Be that as it may, it is my view that the appellant failed to prove the sting of defamation contained in the story it published. The sting of the defamation was firstly in the heading of the story: "AIRPORT OFFICIALS ARRESTED STEALING CARGO", followed by "Police at Entebbe Airport has arrested three airport officials who tried to smuggle out and steal two new color TV sets". The names of men
15 implicated are listed including the respondents. And in para 4 the story continues: "Corporal Asiimwe attached to the Airport Police acting on a tip off bumped into the three men tampering with the seals on the cargo. She arrested the men red-handed changing the packaging names and numbers on a packaging..."

20 The appellant adduced evidence to prove that the respondent connived with two others to steal the television sets. Two witnesses for the appellant testified in court namely Edward Pova (DW1) and George William Ssango (DW2). DW1 who was a security officer at Uganda Airlines stated that the respondent was demoted from
25 Cargo Controller to Cargo Clerk after the loss of aircraft spare parts; that the respondent's duties as a cargo clerk were to ensure that all valuable cargo entered in the strong room was registered in the Strong Room Register; that the respondent received two television sets but he did not enter them in the Strong Room Register. DW1

5 stated further that he was not involved in the investigation of the case of theft of the two television sets but he read about it in the department's "Daily Incidents Report". That he knew that the respondent was arrested in connection with the theft of the television sets. It would appear that most of DW1's evidence was
10 just hearsay.

DW2 who was the Principal Personnel Officer in Uganda Airlines stated that the respondent had a file in the Personnel Department which he accessed. That the respondent had been a Mail and Cargo Controller but was demoted to Mail Cargo Clerk. That among his
15 duties as a cargo clerk was to register all cargo in a register to assure the owners that their cargo was safely in the custody of Uganda Airlines and to levy relevant payments. That the respondent was dismissed because two coloured television sets were taken to the Strong room without being registered contrary to the laid down
20 procedure. That when Uganda Airlines dismissed the respondent, management took into account his performance track record; that he was the one who signed the respondent's dismissal letter in his testimony in the High Court.

The respondent stated that he had worked as a Cargo Controller
25 with Uganda Airlines and that there was loss of aircraft spare parts for which management held him responsible, and so he was demoted to a strong room attendant/clerk in 1994. That as a Cargo Clerk he was in charge of the strong Room and responsible for recording every item in the Strong Room register. That the television

5 sets were among the cargo which had been kept in the Strong Room
but that he had not entered them in the register. That the television
sets had spent 4 months in the strong room. That he prepared a list
of items for auctioning cargo that had overstayed in the Strong
Room and gave it to Mr. Mukasa, his supervisor. That the television
10 sets were included on this list.

He denied having colluded with anybody to steal the television sets.
That it was not true that he was arrested by Detective Corporal
Asiimwe on 15/11/1994. That he was arrested by the security of
Uganda Airlines when he reported to work after he had been away
15 with knowledge of management for two days. That when the matter
was investigated by Entebbe Central Police Station he was found
innocent and cleared of any criminal offences.

On 19th December, 1994 Uganda Airlines wrote a letter signed by
G.W. Ssango (Exh. D1) dismissing the respondent. The letter stated
20 in part: "As you are aware you and others from Markus (U) Ltd and
Rapid Liners, local clearing firms at the Airport Cargo Terminal,
connived to steal colour television sets from the Strong Room and
as a result you were apprehended by police. Management has
studied and analyzed the circumstances surrounding the saga and
25 also the previous incidences in which you were involved [and]
decided that your services with the Corporation should be
[terminated]..."

5 The respondent sued Uganda Airlines for unlawful dismissal and breach of contract of employment in Civil Suit No. 597 of 1995. In his judgment delivered on 4th June 1998 Kania, J, stated:

10 **“The above evidence evaluated as a whole does not in my view prove that the plaintiff was guilty of the acts envisaged in Article 28(a) (vi) of the Terms and conditions of Service. He kept the TVs displayed in the open with the full knowledge of his immediate supervisor who allowed him to continue keeping them for safe custody. In October he and DW1 listed them for auctioning, as was required for any cargo that had overstayed in the Strong Room. The attempted smuggling of the TVs occurred when the plaintiff was not on duty. In the absence of definite evidence to the effect that the plaintiff was in league with people who tried to smuggle the said TVs on 15/11/94 the allegation of the defendant that the plaintiff connived to steal the same remains unsubstantiated.”**

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25 Learned counsel for the appellant contended that the appellant adduced sufficient evidence to prove that the article published was true in fact and in substance because the respondent was arrested and handed over to Police and detained at Entebbe Police Station; that he was the only Uganda Airlines official to be arrested notwithstanding that his Assistant had the keys to the Strong room; that he was dismissed for conniving with clearing agents to steal TV sets; that failure by the respondent to register the TV sets in the

5 cargo register was not an accident, and it was not a coincidence that the two clearing agents were found attempting to smuggle from the Strong Room the said TV sets that were unrecorded.

In its judgment the Court of Appeal stated:

10 **There is no mention of the appellant having been found with the two clearing agents with whom he is alleged to have connived to steal the TV sets. It is also unclear whether the witnesses ever saw Musana apprehend the clearing agents or it is just hearsay. However, one fact agreed upon by PW2, DW1 and DW2 is that on the day the**
15 **TV sets disappeared from the Strong room, the appellant was not on duty. The failure by the appellant to register the TV sets is the only evidence advanced to prove connivance. Like the trial judge rightly noted, theft or aiding and abetting are offences under the Penal Code At. Since the respondent imputed the commission of a criminal offence on the appellant, the respondent ought to prove the commission of the offence charged as strictly as if the appellant was being prosecuted for the offence, if**
20 **they were to succeed in the plea of justification. We find that the evidence on this point falls far short of that strict**
25 **proof.**

I respectfully agree with the learned Justices of Appeal's finding that the appellant failed to adduce evidence to prove that the

5 respondent connived with the two clearing agents to steal the television sets. Even on the standard of balance of probabilities the evidence is insufficient. While it may be true that he was arrested by the Security of Uganda Airlines and detained at Entebbe Police Station or that he was the only official from Uganda Airlines
10 arrested in connection with the attempted smuggling out of the strong room the television sets, this alone cannot be evidence of conspiracy to steal the television sets. How many people have been arrested and found to be innocent?

As for the dismissal of the respondent by Uganda Airlines this
15 happened after the article was published and, therefore, it could not have been a basis for the appellant's article since the article was published before the respondent was dismissed. Moreover, the respondent challenged his dismissal in Civil Suit No. 597 of 1995 and the trial judge rightly found that there was no evidence
20 adduced by Uganda Airlines linking him to the conspiracy to steal the television sets and therefore held that he was unlawfully dismissed.

As the Court of Appeal correctly observed in its judgment the only
evidence linking the respondent to conspiracy to steal the television
25 sets was his failure to record the television sets in the register book. However, in the absence of any other evidence linking him to the alleged conspiracy to steal the television sets this cannot be evidence of conspiracy to steal. It could have been a case of inefficiency or neglect of duty. Moreover, his evidence that his

5 supervisor was aware of the existence of the television sets in the strong room and had included the television sets on the list of items from the strong room to be auctioned was not rebutted by the appellant and must therefore be taken to be true.

As the appellant failed to prove the substance of its allegation that
10 the respondent conspired with two clearing agents to steal two television sets which were in the Uganda Airlines strong room, its defence of justification cannot stand. It is not necessary to discuss whether discrepancies in the article concerning the respondent were of substance or mere form or detail because the truth of the
15 allegation was not proved. Accordingly the appellant's ground 1 and 2 fail.

Ground 3

Learned counsel for the appellant argued that since the Court of Appeal held that the respondent had established a poor reputation
20 for himself while he was working as a cargo controller whereby some aircraft parts went missing, and had failed to register the television sets in the strong room register, it was wrong for the Court of Appeal to award the respondent damages for a reputation he did not have. He submitted that the respondent should not have
25 been awarded damages.

Learned counsel for the respondent, on the other hand, argued that the article in the appellant's publication had portrayed the respondent as a thief and his reputation had suffered greatly on

5 account of the publication. The respondent had not been found guilty for the loss of the aircraft parts. Counsel prayed that court maintains the damages awarded to the respondent as rightly deserved.

In awarding shs. 5,000,000/= as damages to the respondent the
10 Court of Appeal considered factors which included loss of reputation, the respondent's pain and suffering and his loss of dignity. The Court of Appeal rightly rejected the argument that the respondent's previous negligent conduct in the loss of aircraft parts was relevant since the publication made no reference to it. However,
15 it took into account the fact that the respondent was blameworthy for not having registered the two television sets as he was required to do.

Considering the gravity of the allegation in the appellant's publication which portrayed the respondent as a thief and
20 untrustworthy, allegation which the appellant failed to prove and which rendered the respondent's chances of getting employment after being dismissed by his employer very difficult, I find that the award of damages by the Court of Appeal to the respondent was proper, and I would find no justifiable reason to interfere with it.

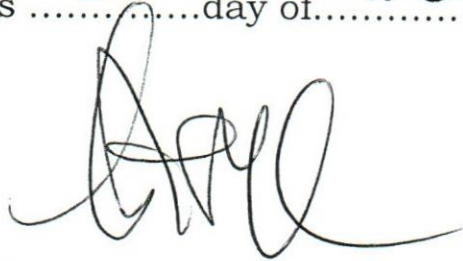
25 Accordingly ground 3 fails.

In the result, I would dismiss this appeal with costs.

5 Since other members of the court agree, this appeal is dismissed with costs.

Dated at Kampala this 30th day of March 2017.

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Hon. Justice Jotham Tumwesigye
JUSTICE OF THE SUPREME COURT

**THE REPUBLIC OF UGANDA
IN THE SUPREME COURT OF UGANDA
AT KAMPALA**

(CORAM: TUMWESIGYE, KISAAYE, NSHIMYE, MWANGUSYA TIBATEMWA, JJSC)

CIVIL APPEAL NO.16 OF 2015

BETWEEN

MONITOR PUBLICATION LTD:.....APPELLANT

AND

RICKY NELSON ASIIMWE :..... RESPONDENT

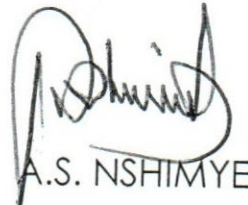
[Appeal from the judgment of Aweri-OPIO, Kakuru, Kiryabwire JJA. Dated 10th September, 2015 delivered at Kampala in Civil Appeal No. 76 of 2009]

JUDGMENT OF A.S. NSHIMYE, JSC.

I have had the benefit of reading the lead judgment of Hon Justice Tumwesigye J. JSC

I agree with his reasoning and conclusion that the appeal be dismissed with costs

Dated at Kampala, this 30th day of March 2017.


A.S. NSHIMYE

JUSTICE OF SUPREME COURT

THE REPUBLIC OF UGANDA
IN THE SUPREME COURT OF UGANDA AT KAMPALA

[CORAM: TUMWESIGYE; KISA AKYE; NSHIMYE; MWANGUSYA; & TIBATEMWA-
EKIRIKUBINZA; J.J.S.C.]

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CIVIL APPEAL NO 16 OF 2015

BETWEEN

MONITOR PUBLICATIONS LTD] APPELLANT

AND

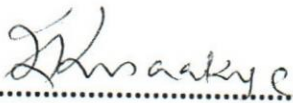
10 RICKY NELSON ASIIMWE] RESPONDENT

[Appeal from the Judgment of the Court of Appeal (Opio-Aweri; Kakuru; & Kiryabwire,
JJA) dated 10th September, 2015 in Civil Appeal No. 76 of 2009]

JUDGMENT OF DR. KISA AKYE, JSC

I have had the benefit of reading in draft the Judgment of my
15 learned brother Justice Tumwesigye, JSC. I agree with him that this
Appeal should fail. I also agree with the Orders he has proposed.

Dated at Kampala this 30th day of March 2017.


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HON. JUSTICE DR. ESTHER KISA AKYE
JUSTICE OF THE SUPREME COURT

**THE REPUBLIC OF UGANDA
IN THE SUPREME COURT OF UGANDA
AT KAMPALA**

✓
(Coram: Tumwesigye; Kisaakye; Nshimye; Mwangusya; Tibatemwa;
JJSC)

CIVIL APPEAL NO. 16 OF 2015

BETWEEN

MONITOR PUBLICATIONS LTD APPELLANT

AND


RICKY NELSON ASIIMWERESPONDENT

*[Appeal from the Judgment of Aweri-Opio, Kakuru, Kiryabwire, JJ A. Dated
10th September, 2015 delivered at Kampala in Civil Appeal No 76 of 2009]*

JUDGMENT OF MWANGUSYA, JSC

I have had the benefit of reading in draft the Judgment of Justice Tumwesigye, JSC. I agree with him that this Appeal should be dismissed with costs.

Dated at Kampala this.....30th day of March..... 2017


Hon. Justice Mwangusya Eldad
JUSTICE OF THE SUPREME COURT

THE REPUBLIC OF UGANDA
IN THE SUPREME COURT OF UGANDA

✓
(CORAM: TUMWESIGYE, KISAAKYE, NSHIMYE, MWANGUSYA,
TIBATEMWA-EKIRIKUBINZA, JJSC.)

CIVIL APPEAL NO.16 OF 2015.

BETWEEN

MONITOR PUBLICATIONS LTD APPELLANT

AND

RICKY NELSON ASIIMWE RESPONDENT

[Appeal from the judgment of the Court of Appeal (Opio-Aweri, Kakuru and Kiryabwire JJA), dated 10th September, 2015 in Civil Appeal No. 76 of 2009]

JUDGMENT OF PROF.DR.LILLIAN TIBATEMWA-EKIRIKUBINZA.

I have had the benefit of reading in advance the lead judgment of Hon. Justice Tumwesigye J, JSC. I agree with his reasoning and conclusion that the appeal be dismissed with costs.

Dated at Kampala, this 30th day of March 2017.

.....*Lillian Tibatemwa*.....

**PROF.DR.LILLIAN TIBATEMWA-EKIRIKUBINZA
JUSTICE OF THE SUPREME COURT.**