

# MTN files complaint against Ugandan magistrate

MTN Uganda has lodged a formal complaint with the Judicial Service Commission (JSC) in Uganda against the Chief Magistrate of the Buganda Road Magistrates Court, Sylvia Nabagala.



MTN Uganda expressed grave concern about the magistrate's professional misconduct, evident in her contradictory rulings and disregard of due process.

"The complaint notes that the magistrate issued summonses for the directors and executives of MTN to take a plea, yet the court record has no formal charges and the said summonses were not reflected in the court record. It is further noted that the summonses were dated 7 November 2012, a day after the same magistrate had transferred the case to the director of public prosecutions to investigate the allegations," MTN said in a statement.

International media this week widely published articles reporting that summonses had been issued against MTN's chief executive and directors to appear in court.

"MTN states that it was not aware of the issuance of the said summonses and when their legal counsel checked with the court following the press articles, they learnt that the summonses had been strangely extracted from Magistrate Nabagala by private lawyers who had earlier been ordered to hand over the matter to the DPP.

"According to the complaint to the JSC, MTN lawyers, together with the resident state attorney, immediately sought audience with Nabagala who confirmed the issuance of the summonses. A perusal of the summonses shows that, although the order to issue them was made on 19 November, they were dated 7 November.

"There was no charge sheet on the record nor was there a record of proceedings before her between 6 November, when she pronounced her ruling in an open court with counsel for all parties present, and 19 November, when the order was supposedly issued," MTN stated.

"For the magistrate to have allowed that obviously ill-intentioned private person to obtain criminals summonses in the

manner she did, thus affording him the opportunity to have the same published to the world, knowing the negative consequences that portray, demonstrates gross recklessness and absolute indifference against our client," the complaint states.

"The alleged complainant, Naphtal Were, was already facing charges of defrauding MTN Uganda of US\$5m as well as attempted fraud of US\$600m from MTN Uganda and in the process of searching his home, the police found stolen MTN property including 11 solar power inverters, with an estimated value of US\$140m," MTN said.

It added: "Without prejudice to the above statement and clarifications, MTN reserves its rights to prosecute any third party who will commit further defamation, or propagate false information to the detriment of MTN Uganda and the MTN Group as a whole."

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