

# MTN files complaint against a chief 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. The Uganda telecommunications provider 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 summons for the directors and executives of MTN to take a plea, yet the court record has no formal charges and the said summons were not reflected in the court record. It is further noted that the summons are dated 7 November 2012, a day after the same magistrate had transferred the case to the director of Public Prosecutions to investigate the allegations.

International media this week widely published articles reporting that summons had been issued against MTN Group CEO and directors to appear in court. MTN states that it was not aware of the issuance of the said summons and when their legal counsel checked with the court following the press articles, they learnt that the summons 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 magistrate Nabagala who confirmed the issuance of the summons. A perusal of the summons shows that, although the order to issue them was made on the 19 November 2012, they were dated 7 November 2012.

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.

"For the magistrate to have allowed that obviously ill-intentioned private person to obtain criminals summons 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, USD5m as well as

attempted fraud of UShs. 600 million from MTN Uganda and in the process of searching his home, the police found stolen MTN property-11 solar power inverters, with an estimated value of UShs. 140 million.

For more, visit: <https://www.bizcommunity.com>