

MTN's case in Uganda nullified

Judge Lameck N. Mukasa of the Criminal Division of the High Court of Uganda has declared that the criminal summons alleging tax evasion against the senior management and directors of MTN Uganda is null and void.



The Judge set aside all orders previously issued by the Chief Magistrate of the Buganda Road Magistrate Court dated 10 October, 6 November and 19 November, aimed at allowing criminal summons against the senior management and the board of directors of MTN Uganda despite the lack of *prima facie* evidence.

MTN had approached the High Court to review the Chief Magistrate's decision to issue summons for its directors and executives to plead on tax evasion charges, yet the court had no record of formal charges or proceedings.

MTN had earlier expressed grave concern about the Magistrate's professional misconduct, evident in her contradictory rulings and disregard for due process, in a formal complaint to the Judicial Service Commission. MTN complained that the summons dated 6 November was issued a day after the same Magistrate had transferred the case to the Director of Public Prosecutions (DPP) to investigate the allegations, yet the DPP had not applied for any criminal summons.

MTN Uganda's chief executive, Mazen Mroué, has welcomed the judgment, saying the private prosecution initiated by former MTN employee Naphtali Were, had no merit.

Mroué said MTN was forging ahead with its criminal prosecution and civil claim against Were and directors of Threeways for their active involvement in allegedly defrauding MTN Uganda.

"The judgment is a strong affirmation of MTN's corporate values of ethical behaviour and integrity. We took the magistrate's ruling for review by the High Court because we view any allegations of unethical conduct against MTN in a very serious light.

"Similarly, MTN has zero tolerance for fraud. For this reason, we will prosecute those who defraud MTN and propagate false information to the detriment of MTN Uganda and the MTN Group," said Mroué.

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