



UGANDA
COMMUNICATIONS
COMMISSION

THE REPUBLIC OF UGANDA

IN THE MATTER OF THE UGANDA COMMUNICATIONS ACT CAP 103
AND
IN THE MATTER OF A COMPLAINT AGAINST NALUFENYA
INNOVATIONS LIMITED t/a RED PEPPER ONLINE PUBLICATIONS FOR
BREACHES OF THE PROVISIONS OF THE UGANDA COMMUNICATIONS
ACT AND REGULATIONS MADE THEREUNDER

ARBITRAL COMPLAINT NO: 3 OF 2026

BETWEEN

1. CONRAD K. NKUTU
2. SOPHIE NKUUTU
3. MARTIN KINTU

}COMPLAINANTS

VERSUS

NALUFENYA INNOVATIONS LIMITED

t/a THE RED PEPPER ONLINE RESPONDENT

DECISION OF THE UGANDA COMMUNICATIONS COMMISSION

1.0 Nature of Complaints

- 1.1 On the 18th of May 2026, the Uganda Communications Commission (Commission) received a complaint from M/s. MMAKS Advocates, for and on behalf of their clients Conrad Kirunda Nkutu, Sophie Michaela Kitimbo Nkuutu and Martin Kintu hereinafter jointly referred to as the Complainants. In their complaint, Counsel for the Complainants alleged that their clients were aggrieved by the article and photographs that were allegedly published by the Red Pepper online Publication via the platform www.redpepper.co.ug under the headline "**Blood, billions & betrayal! Ex Minister Nkutu family Torn Apart in Shock Property War as Siblings Conrad, Sophie and Martin Gang Up Against Last Born, Accused of Hatching Butabika Plot Over Dead Mother's USD10M Empire**". The complainants further allege that the article contains defamatory and unverified allegations against them, discloses private personal information about them without justification and that the stories were published without any attempt by the

[Handwritten signature]

Respondent to obtain their comments and/or side of the story before publication.

- 1.2 The complainants further alleged that the article was a skewedly couched intrusion on the privacy of the complainants and their bereaving family in apparent connivance with Mr. Emmanuel Balaba Kavuma, the youngest sibling to the complainants. The complainants argued that their young brother, Emmanuel Balaba Kavuma, connived with and used the Redpepper publications as a conduit to maliciously disseminate and cast negativity against the Complainants.
- 1.3 The complainants further assert that in publishing the impugned article, the RedPepper not only breached several provisions of the Uganda Communications Act, Cap 103, and the regulations made thereunder, but also tacitly acted in contempt of a court order that was issued against Mr. Emmanuel Balaba Kavuma and his associates in Miscellaneous Cause No. KIR-00-FD-MC-0002-2026. They argued that the Editors of the Red Pepper actively violated journalistic ethics contrary to the provisions of the Press and Journalists Act, Cap 100, when they relied on information from one party, their estranged brother Emmanuel Balaba Kavuma, to publish and widely circulate the impugned news stories against the complainants. The complainants also allege that the Red Pepper has continued to threaten publishing a second (part 2) issue of its intended series of publications about their ongoing family predicaments.
- 1.4 Counsel for the complainants requested the Commission to grant the following remedies against the Red Pepper.
 - (a) An order to immediately and permanently pull down the impugned article from the Red Pepper website, and that Red Pepper correspondingly deletes or causes a deletion of the same and all related content from social media handles to which the Red Pepper shared the article.
 - (b) An order that the Red Pepper unequivocally and with equal prominence to the original article issues an apology to the complainants, retracting the article for being a publication riddled with unverified information.
 - (c) A prohibition against the publication of part 2 to the article or any other content as threatened by Red Pepper except with full compliance with statutory requirements for accuracy, verification, fairness or balanced reporting.
 - (d) That the Commission takes any other additional regulatory measure against the Red Pepper considering the seriousness and adamant repetitive breaches complained of.

Handwritten signature

- 1.5 Counsel for the complainants also requested the Commission to investigate Red Pepper's editorial policies with reference to compliance with applicable regulations and set standards.

2.0 Procedure followed by the Commission in hearing the Complaints

2.1 Notification to the Respondents.

By a letter dated 25th May 2026, the Commission informed the Red Pepper of the complaint that had been made against them. They were also furnished with a copy of the full complainant, and they were directed to submit their representations to the allegations that had been made against them within 7 (seven) days.

2.2 Response from the Respondent.

2.2.1 In a belated response letter that was signed by a one Kiiza Venenscias, for and on behalf of the Managing Director, dated 18th June 2026 but received by the Commission on 22nd June 2026, the Respondent started by apologizing for their delayed response claiming that they had delayed to receive the Commission's letter informing them about the complaint on 11th June 2026. The Respondent proceeded to state that:

- (a) Red Pepper is a licensed media organisation engaged in the business of gathering, verifying and disseminating information on matters of public interest.
- (b) The impugned publication was part of Red Pepper's continuing coverage of a highly contentious and publicly discussed family dispute involving the estate of the late Christine Namubiru Nkutu, and that the same has generated litigation, police complaints, public proceedings, and extensive engagement among family members and various public institutions.
- (c) The impugned article was not published out of malice, personal vendetta or any orchestrated campaign as alleged by the complainants. That the story was a product of independent journalistic inquiry involving review of court records, police records, correspondences, family documentation and interviews with multiple independent sources familiar with the dispute, including people who possess direct knowledge of events surrounding the Nkutu family dispute.
- (d) Red Pepper did not act as a proxy for any individual, including Emmanuel Balaba Kavuma in publishing the article as purported by the complainants, arguing that the complaint was speculative, since no supportive evidence linking Mr. Kavuma in the production of the article has been adduced by the complainants.



- (e) The media is obligated to report matters of legitimate public interest while exercising editorial judgement regarding the sources, context and presentation, and the same media cannot be suppressed merely because one party disagrees with the information published.
- (f) The complainants' objection to mere factual inaccuracies, editorial framing, language and conclusions drawn from available information cannot automatically transform the impugned publication into a regulatory breach as it is advanced by the complainants.
- (g) The existence of a court order involving Mr. Kavuma or against an individual cannot create a reporting embargo around a matter of public interest or prohibit journalists from reporting on a broader family dispute.
- (h) To the extent that information concerning family relationships, financial circumstances, religious background and personal history formed a broader narrative explaining the evolution of a family dispute on inheritance and estate administration; Red Pepper/the media is entitled to report it, for it carries public interest value.
- (i) The disagreement between Conrad Nkutu with his late mother as reported in the impugned article is factual and supported by portions of the late Christine Nkutu's testamentary documents (Last Will and Testament) dated 20th September 2023 which expressly contain Christine Nkutu's (mother) posthumous apology addressed specifically to Mr. Conrad Nkutu (son). The article therefore did not invent the existence of conflict.
- (j) The article, newsworthy as Red Pepper found it, with available documentary evidence and credible sources did not necessitate Red Pepper to undergo the strife of seeking comments from the complainants/subjects of the story for such a publication to obtain its validity. In any case Mr. Nkutu approached Red Pepper after the article had run, rigidly stuck to a request that Red Pepper pulls down the article/story rather than agreeing to Red Pepper's proposal that he responds to specific concerns and makes factual objections to issues presented in the article.
- (k) There is no regulatory framework preventing Red Pepper from continuing coverage of the impugned article under Part II publication. Red Pepper is vested with lawful discretion to make future publications on the subject family dispute as and when new information reaches the Pepper.
- (l) It was necessary for the Red Pepper in the impugned article to report on the issue of conflict of interest allegedly saddling the complainants' lawyers because the same allegation has been raised

before by Mr. Kavuma and other interested parties to IGG and other authorities

- (m) Mere filing of complaints with UCC for remedies against media reporting on legitimate public controversies where no competent court or authority has declared the impugned article to be false, malicious or unlawful would be a suppression on press freedom and public-interest journalism.

2.2.1 The Respondent concluded that the Complainants' complaint should be dismissed since the article was published in good faith based on factual narratives emerging from a highly contentious family dispute, and that it was published in pursuit of the legitimate journalistic objective to inform the public on the matter.

2.3 Rejoinder from the Complainants' Counsel.

2.3.1 In a letter dated 23rd June 2026 by which parties were notified about a hearing schedule, the Commission shared with the Complainants a copy of the Respondent's response to the allegations in the complaint. The Complainants' counsel submitted a rejoinder thereto, asserting that:

- (a) The Respondent has not disputed responsibility of having published the article. Rather, the Respondents are seeking protection from the umbrella privilege and media freedoms to assert their entitlement to publish the allegedly harmful article.
- (b) The Respondent not only failed to engage prior to publishing the article but also published content that violates regulation 10(b) of the Uganda Communication(Content) Regulations 2019, which abhors prejudice, distortion, exaggerations, misrepresentation or material omission.
- (c) The negativity of impression cast by the article against the complainants with respect to the **"Butabika Plot"** draws clearly from the heading of the article itself and the enduring naming of the complainants throughout its structuring that aids a reasonable reader to understand that the information it sets to put across refers to the complainants.
- (d) The article was published contrary to Regulation 11 (a) & (b) of the Uganda Communications(Content) Regulations 2019 in so far as the allegations on the **"Butabika Plot"** and **"Exploiting a Terminally ill Mother"** were not based on fact, or it was founded on opinion, rumour, suspicion or allegation. The Complainants' counsel asserted that the Respondents published the article notwithstanding

Kumb

the existence of sufficient reason for Red Pepper to doubt its accuracy right before it was published.

- (e) The characterisation of Emmanuel Kavuma's arrest as "*malicious incarceration*" *fraudulently engineered by the Complainants* was a breach of Regulation 10 (b) & (e) in so far as it violates the requirement to present news "... in a manner that clearly distinguishes between facts and individual opinions, comments and views", but fostered Kavuma's self-serving account of his arrest without establishing the truth.
- (f) The Complainants do not contest that a genuine property dispute may be reported as a matter of public interest but reporting only Kavuma's version of events without approaching the Complainants to challenge the narrative before its publication does not cure Red Pepper's breach and violation of Regulations 10(g) and 13 (b) which provide guidance for handling reporting on such matters.
- (g) Red Pepper acted in violation of Regulations 38 (1) & (4) and (10 (f) by publishing personal information about the Complainants' marital, business, financial, religious background and family records exclusively kept by the inner family circle in a manner that invades the Complainants' privacy without a compelling and legitimate public interest or creating a nexus between the reported information with the issue of administration of the late Christine Nkutu's estate.
- (h) The Complainants are not challenging Red Pepper's right to report on matters of genuine public interest. Rather, the Complainants are challenging Red Pepper for publications it made in breach of the Regulations, non-compliance with pre-publication obligations under Regulations 10 (g) & 13 and most concerning is the identification and alleging a "conflict of interest" against the Complainants lawyers without any legal basis, but to intimidate them.

2.3.2 Counsel for the complainants reiterated the earlier prayers, adding that Red Pepper's pattern of breaches, their multiplicity including extortion attempts by a licensed operator ought to trigger the Commission's powers under Regulation 41 (1) and prayed that the Commission:

- i. Directs Red Pepper to comply with pre-publication obligations, including addressing concerns over naming the Complainants' legal representatives in the threatened Part II publication of the article.
- ii. Suspends or revokes the license of Nalufenya Innovations Limited t/a Red Pepper Online Publications
- iii. Directs internet service providers operating in Uganda to restrict access to the redpepper.co.ug.



5/11/20

- iv. Refers evidence of extortion attempts and Red Pepper's repeated aid to Kavuma in contempt of a court order to the Uganda Police and DPP for investigation and prosecution.

2.3 Hearing of the parties:

- 2.3.1 In accordance with the principles of natural justice, the Commission did, vide a letter dated 23rd June 2026 duly invite the parties and convened an arbitral hearing on the 29th of June 2026 and accorded the parties forum to orally present their their respective cases and arguments.
- 2.3.2 The Commission's Arbitral Team convened at 10:00am on 29th June 2026 in the 5th Floor Meeting Room at UCC House ready to hear the parties. The Complainants (Conrad Nkutu, Sophie Nkuutu and Martine Kintu) together with their Counsel, Mr. Kenneth Kiapi from MMAKS Advocates kept the appointed time. Following a reminder call from the Commission, the Respondents also in about 30 minutes later sent Mr. Venenscias Kiiza, their Editor to represent them. Both parties confirmed their readiness to proceed with the inter part arbitral hearing.
- 2.3.3 At exactly 10:40 am the Commission's Arbitral team comprised of Dr. Abudu Sallam Waiswa, the Head of Litigation, Prosecution and Legal Advisory at the Commission (Chairperson), Mr. Meddy Kaggwa Ssebagala, the Head of Multimedia & Content Regulation (Member) and Mr. Nicholas Kyaligonza a Legal Officer Enforcement (Member/Secretary).
- 2.3.4 During the hearing, counsel for the complainants and the complainants themselves restated their grievance against the Respondent in more or less the same way as they had stated in their written correspondences as already captured in 1.0 and 2.3 above.
- 2.3.5 For the Respondent, Mr. Venenscias Kiiza equally responded to all the issues that were raised by the complainant in terms similar to what has already been stated in 2.2 above.

3.0 Resolution of the Issues

- 3.1 Based on the facts of the matter, the following issues were deduced by the Commission for determination:

Issue 1: *Whether the Commission has jurisdiction to hear and determine the complaints.*



Issue 2: *Whether the Respondents breached provisions of the Uganda Communications Act, Cap 103 and Regulations thereunder in publishing the impugned online article.*

Issue 3: *What are the rights and remedies are available to the parties?*

3.2 The issues shall be handled in the order in which they appear above.

Issue 1: ***Whether the Commission has jurisdiction to hear and determine the complaint.***

3.3 The mandate of the Commission with respect to hearing and determination of complaints of this nature is enshrined in section 5 of the Uganda Communications Act, Cap 103 which enumerates the functions of the Commission as:

5 (1) (b) to monitor, inspect, license, supervise, control and regulate communication services.

(j) to receive, investigate and arbitrate complaints relating to communication services and take necessary action,

(k) to promote and safeguard the interests of consumers and operators as regards the quality of communications services and equipment.

(x) to set standards, monitor and enforce compliance relating to content.

3.4 This is further expounded in Regulation 39 of the Uganda Communications (Content) Regulations 2019 which provide that:

39. Content complaints

(1) The Commission may, on its own, on the written request of an operator or referral of a consumer complaint filed under the Uganda Communications (Consumer Protection) Regulations 2019, or any other party who has a complaint against an operator, investigate complaints on the following matters-

(a) N/A

(b) N/A

(c) violation of minimum broadcastings standards or breach of the provisions of these Regulations; or

(d) any other dispute of a non-commercial nature arising in the ordinary course of business of an operator.

3.5 Regulations 7 and 8 of the Uganda Communications (Consumer Protection) Regulations S.I. 87 of 2019 further provide for the powers and procedure through which the Commission is mandated to handle consumer complaints. For ease of reference, the relevant parts of Regulations 7 and 8 are reproduced hereunder:



7. Powers of the Commission

The Commission shall-

- (a) N/A
- (b) Promptly receive, investigate and arbitrate any consumer complaint relating to communication services, including quality of service and take necessary action.
- (c) *Compel an operator to resolve any consumer complaint filed with the Commission.*
- (d) N/A
- (e) N/A
- (f) N/A
- (g) N/A
- (h) N/A
- (i) N/A
- (j) *Where necessary, refer a complaint to other law enforcement agencies for investigation and prosecution.*

3.6 Regulation 8 (12) of the Uganda Communications (Consumer Protection) Regulations 2019 provide as follows:

- (12) *The Commission may, in handling a complaint under sub regulation (5)-*
 - (a) *give all affected parties notice of its investigations and a copy of the complaint.*
 - (b) *give the complainant and any person or operator accused in the complaint, an opportunity to appear and provide any further evidence required by the Commission to make a decision.*
 - (c) N/A
 - (d) *make findings and take appropriate action to-*
 - (i) *require an operator to supply goods or services for a specified period*
 - (ii) *require an operator to supply goods or services under specified terms and conditions;*
 - (iii) *make an order requiring an operator or licensee to pay costs to a consumer;*
 - (iv) *make an order requiring a consumer to pay costs to an operator;*
 - (v) *make an order requiring an operator or licensee to replace or repair defective or malfunctioning equipment or in lieu thereof, refund the consumer the cost of the purchase.*
 - (vi) *require an operator to appear at a hearing or to produce documents;*
 - (vii) *dismiss a complaint;*
 - (viii) *impose a fine, depending on the nature of the complaint; or*
 - (ix) *order a consumer refund.*

3.7 Regulation 4 of the Uganda Communications (Consumer Protection) Regulations 2019 goes on to define a “complaint” to mean any written or oral representation of dissatisfaction about the provision of, or failure to provide communication service or product. The same Regulations 4



defines a “consumer” to mean a final user of communications apparatus, communications services or value-added services or a customer and includes a purchaser for value of communications apparatus or communications services regulated by the Commission under the Act, but does not include an operator, wholesaler or retailer of communications apparatus or communications and value-added services.

- 3.8 “Communication services” on the other hand are defined in the same Regulation 4 of the Uganda Communications (Consumer Protection) Regulations 2019 to mean services performed consisting of the dissemination or interchange of audio-visual or data content using postal, radio, or telecommunications media or data communications, and includes broadcasting and value-added services.
- 3.9 From the above legal provisions, it is apparent that the complainants in this matter are consumers of communication services, and they are entitled under section 5(1)(j) of the Uganda Communications Act Cap 103, Regulation 39(1) of the Uganda Communications (Content) Regulations 2019 and Regulation 8 of the Uganda Communications (Consumer Protection) Regulations 2019 to lodge a complaint with the Commission, if they feel aggrieved by the operations of a licensed provider of communication services in Uganda. The Respondent on the other hand is a licensed Communications Operator regulated by the Commission and has in its defence demonstrated awareness of the Commission’s jurisdiction over the services they offer to the public and have not objected to that jurisdiction in any way.
- 3.10 Issue No. 1 is accordingly answered in the affirmative.

Issue 2: Whether the Respondents breached provisions of the Uganda Communications Act, Cap 103 and Regulations thereunder in publishing the impugned online article.

- 3.11 In their response dated 18th June 2026 to the complaints raised against them, the Respondent denied any wrong-doing asserting that the impugned article was published in good faith based on factual narratives emerging from a highly contentious family dispute, and that they published the article in pursuit of the legitimate journalistic duty of informing the public on a matter of public interest. The same position was maintained by Mr. Venencias Kiiza during the inter-party hearing on 29th June 2026 affirming that Red Pepper’s publication of the article was founded on credible sources and cannot be categorised as uninformed reporting simply because the Complainants were not contacted for a comment before publication.
- 3.12 During the hearing, Mr. Kiiza further denied being behind the alleged extortion attempts by himself or the Red Pepper at the time the article was published and argued to be well versed with the background of the

article because he was the Red Pepper Client Relations Officer at the time the article was published. Mr. Kiiza maintained that he does not have a contrary position that departs from Red Pepper's written response to the complaint.

- 3.13 The Complainants on the other hand maintained both in their original complaint and in rejoinder that the Respondent invaded on their individual and family privacy, did not seek their comment prior to the impugned publication, engaged in uninformed reporting based on rumours, has not demonstrated any public interest value in reporting on their personal and family affairs and therefore acted with malice, breaching the Uganda Communications Act and Regulations.
- 3.14 In resolving this issue, one needs to examine the applicable law from two broad perspectives. First, whether a media house, broadcaster or publisher is legally justified to publish or broadcast information about a controversial matter, without first obtaining the views and comments from the parties mentioned in the controversy; and secondly, the extent to which a media house, broadcaster or publisher is legally justified to publish information about private family matters.
- 3.15 Firstly, Article 29(1)(a) of the 1995 Constitution of the Republic of Uganda guarantees every person the right to freedom of speech and expression, including freedom of the press and other media. This protection is a cornerstone for a democratic society. A free press enables the public to receive information, facilitates public debate and permits scrutiny of matters affecting society and those exercising public responsibilities. This same principle is reflected in international human rights law. Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Uganda is a signatory, protects the right to hold opinions and the freedom to seek, receive and impart information and ideas through any media.
- 3.16 Importantly, Article 19(3) recognises that the exercise of freedom of expression carries special duties and responsibilities and may be subject to restrictions prescribed by law and necessary, among other things, for respect of the rights or reputations of others. Similarly, Article 43 of the 1995 Constitution of the Republic of Uganda provides that in the enjoyment of rights and freedoms, no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest. Furthermore, it provides that any limitation upon a constitutional right must not go beyond what is acceptable and demonstrably justifiable in a free and democratic society. Additionally, Article 9 of the African Charter on Human and Peoples' Rights similarly guarantees every individual the right to receive information and to express and disseminate opinions within the law. This is evidence that the African Commission has recognised freedom of expression as a necessary component of a democratic society and has put emphasis on



the importance of the free flow of information and ideas to transparency, accountability and good governance.

- 3.17 In light of the above, Article 29 of the Constitution must then be read together with Article 27, which protects the individual's right to privacy. Similarly, international law acknowledges the need to protect the right to privacy alongside and freedom of expression. Article 17 of the ICCPR is to the effect that no person shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, or to unlawful attacks upon honour and reputation, and further requires protection of the law against such interference or attacks. Furthermore, Uganda's compliance with the ICCPR forms part of the conditions of licence under Schedule 5, paragraph 2(a) of the Uganda Communications Act, Cap. 103. Hence, we see a balance within the domestic legal framework and the international framework, where, much as freedom of expression and of the press is a fundamental and protected right, it must be exercised with respect to the privacy, reputation and other rights of individuals.
- 3.18 The practicality of this balance is seen in Section 29(2)(b) Uganda Communications Act, Cap. 103 which recognises that the right to broadcast does not absolve a person from complying with laws prohibiting broadcasting of information which infringes the privacy of an individual. Furthermore, Section 31 of the Act subjects broadcasting to minimum broadcasting standards contained in Schedule 4 of the Act, which includes the requirement that news broadcasts should be free from distortion of facts and that programmes must be balanced. In addition to that, Section 33 of the Act further imposes upon broadcasters a duty to ensure that whatever is aired or published on their news platforms meets the ethical broadcasting standards imposed on journalists and editors under the Professional Code of Ethics for journalists and editors that are enshrined in Schedule 4 of the Press and Journalist Act.
- 3.19 The obligation to balance freedom of expression and the right to privacy is further anchored in section 3(b) of the Press and Journalists Act. It provides that:
- Nothing contained in section 2 absolves any person from compliance with any law-*
- (b) prohibiting any publication which improperly infringes on the privacy of an individual or which contains false information.*
- 3.20 Thus, the law demonstrates that the statutory protection of freedom of broadcasting goes hand in hand with responsibilities concerning accuracy, fairness, balance and respect for individual privacy.
- 3.21 The Uganda Communications (Content) Regulations, 2019, provide more specific standards governing the manner in which information is published and presented. Regulation 10(b), (c), (e) and (g) collectively require fair reporting which is free from exaggeration, distortion of facts

and material omissions, and require accuracy, balance and impartiality in presentation, including a distinction between facts and the reporter's individual opinions. Regulation 11 prohibits reporting information founded on suspicion or allegation where there is sufficient reason to doubt its accuracy, and it is not possible to verify that accuracy before it is reported. Most importantly, Regulation 38(1) prohibits invasion of and reporting on a person's private affairs without a compelling and legitimate public interest to do so.

- 3.22 It is therefore necessary to determine what constitutes a legitimate public interest for purposes of these provisions. *Black's Law Dictionary*, 9th Edition at page 1350, defines public interest as;

"...the general welfare of the public that warrants recognition and protection, or something in which the public as a whole has a stake, especially an interest that justifies government regulation."

- 3.23 In the same breath Lord Denning M.R. in the case of ***London Artists Ltd v Littler [1969] 2 QB 375***, warned against giving too narrow a construction to the concept of public interest because of the importance of preserving free speech. He stated at page 331 that;

"Whenever a matter is such as to affect a people at large so that they may be legitimately interested in or concerned at what is going on or what may happen to them or others, then it is a matter of public interest on which everyone is entitled to make fair comment."

- 3.24 Therefore, we see that the issue of public interest is a broad concept, which is capable of extending to matters which legitimately call for public attention, but it is not synonymous with everything that may attract public curiosity.
- 3.25 Importantly, the same case of *London Artists* also demonstrates that the existence of public interest does not conclude the inquiry. Lord Denning found that although the underlying subject matter was a matter of public interest and the defendant was entitled to comment upon it through the press, the defendant had nevertheless gone beyond the bounds of fair comment because he had reached his conclusion too rashly, failed to make adequate inquiries and failed to check the facts. Henceforth, public interest does not remove the obligation upon a publisher to act fairly and responsibly in gathering and presenting information.
- 3.26 This principle was further refined in the English case of ***Reynolds v Times Newspapers Ltd and Others [2001] 2 AC 127 (HL)***. The case recognised that the press plays a vital role in communicating information on matters of public concern, but that the protection afforded to freedom of expression must be considered alongside the responsibility of journalists to act responsibly, hence the widely recognised principle of responsible Journalism.

Handwritten signature

- 3.27 In the case of *Reynolds*(supra) Lord Nicholls, at paragraphs 58-59, formulated the relevant considerations which a journalist ought to follow in order to be considered to have exercised responsible journalism. These include the seriousness of the allegation, the nature of the information and its source, the steps taken to verify it, the urgency of the matter, whether a comment was sought from the person concerned, whether the person's side of the story was fairly represented, the tone of the publication and the circumstances and timing of publication. It is important to note that these considerations are not a rigid checklist, but assist in determining whether the publication was responsible in the circumstances.
- 3.28 The principle was further developed in ***Jameel v Wall Street Journal Europe SPRL* [2006] UKHL 44; [2007] 1 AC 359**. In this case the House of Lords at pages 12, 13, 20 and 21, recognised that;
- responsible journalism is the point at which a fair balance is struck between freedom of expression on matters of public concern and protection of an individual's reputation.*
- 3.29 Significantly, *Jameel's* case also makes it clear that the public-interest character of a story does not provide a blanket cover to publish every damaging allegation available to a journalist. The particular allegation must contribute to the public-interest purpose of the article; "the more serious the allegation, the more important it is that it makes a real contribution to that public-interest element."
- 3.30 The Ugandan courts have adopted comparable principles. In ***Nyeko v Uganda Broadcasting Corporation Company Ltd & Another* [2014] UGHCCD 165**, the High Court emphasised at pages 5-7 the importance of truthfulness, accuracy, objectivity, impartiality and fairness in broadcasting. The Court was particularly critical of the broadcaster's failure to obtain the plaintiff's side of the story and its failure to verify information obtained from an informer. The significance of *Nyeko* is not that it establishes an absolute rule requiring a broadcaster to always obtain the affected person's comment before every publication. Rather, it demonstrates that failure to seek comment becomes legally significant where it forms part of a broader failure to verify and fairly present serious allegations.
- 3.31 This was further emphasised in the English case of ***PJS v News Group Newspapers Ltd* [2016] UKSC 26; [2016] 1 AC 1081** when court clarified on the distinction between public interest and public curiosity, especially where the publication concerns private and family affairs. The Supreme Court emphasised that public interest cannot simply be equated with the public's appetite for information about the private lives of others. The Court recognised that even a person who is well known to the public retains a private sphere, and that the relevant question is whether the particular information disclosed bears a sufficient relationship to a legitimate public interest.



- 3.32 The principle in *PJS* is particularly important where the subject of the publication is itself a public controversy. The existence of an inheritance dispute, litigation concerning an estate, a family disagreement or another controversy may legitimately be reported without making every private fact concerning the individuals involved a matter of public interest. The publisher must distinguish between the public interest in the controversy itself and the alleged public interest in the private information surrounding the controversy. This distinction is particularly important under Regulation 38(1), which requires not merely a public interest but a compelling and legitimate public interest before private affairs may properly be reported.
- 3.33 Against the above jurisprudential background, the Commission turns to the circumstances of the present complaint. The Commission accepts that the dispute concerning the estate of the Complainants' late mother was capable of constituting a matter of legitimate public interest. Therefore, the respondents were entitled, within the limits imposed by law, to report upon the existence of that dispute and matters necessary to explain the controversy to the public.
- 3.34 However, this doesn't mean that every issue of personal or family information concerning the Complainants is a matter of public interest. The Respondents were required to demonstrate a separate and sufficiently compelling connection between the private information published and the legitimate public interest which they claimed to be serving. This is precisely the distinction recognised in *PJS*, *Jameel* and Regulation 38(1) of the Uganda Communications(Content) Regulations 2019. The Commission, therefore, considers that the proper question is not simply whether the public was interested in the dispute, but whether the disclosure of the particular private information concerning the Complainants served the general welfare of the public or an interest in which the public as a whole had a legitimate stake.
- 3.35 The Respondents have struggled to demonstrate the public interest in the subject story. Their defence tried to explain the public-interest character which they attribute to the underlying family and estate dispute, but does not sufficiently explain how the particular private information concerning the Complainants served a legitimate interest for the public. The Commission is therefore not satisfied that the disclosure of the Complainants' personal and family affairs was necessary to enable the public to understand the estate dispute.
- 3.36 The position is further worsened by the manner in which the information was obtained and presented. The Respondents admitted that they did not seek comments from the Complainants before publication. While the law does not impose a compulsory requirement that every person mentioned in a publication or broadcast must always first be contacted and a comment obtained from them before proceeding to publish or broadcast a story, the absence of comment becomes



significant factor in circumstances involving serious, personal and contested allegations which are reasonably capable of verification. In this particular case, the failure by the Respondents to seek the Complainants' position deprived them of an opportunity to test the allegations against the account of the persons directly affected or mentioned in the story so as to ensure that the article presented the controversy fairly and accurately.

- 3.36 That failure must also be considered alongside Regulations 10 and 11 of the Uganda Communications(Content) regulations 2019, which specifically require accuracy, balance, impartiality and freedom from distortion, and categorically prohibit the publication of information founded on suspicion or allegation where there is sufficient reason to doubt its accuracy and it cannot be verified before publication.
- 3.37 The Commission therefore does not consider the mere existence of sources relied upon by the Respondents to be sufficient. What was required was responsible verification of the information and a fair presentation of the allegations, particularly given their personal nature and potential impact upon the Complainants' reputation and privacy.
- 3.38 It is important to note that in making this finding, the Commission is mindful that it must not substitute its own editorial preferences for those of a media house or unduly interfere with legitimate investigative journalism. The law protects the press precisely because it performs an essential democratic function.
- 3.39 However, that protection does not extend to the publication of private information about others merely because it forms part of an otherwise newsworthy controversy. In the present case, the Respondents have not demonstrated that the particular private information complained of made the necessary contribution to the legitimate public-interest purpose of reporting the estate dispute. The publication went beyond what was demonstrably necessary to inform the public about the underlying controversy and unjustifiably intruded into the Complainants' private and family life. This conclusion is consistent with Article 27 of the Constitution, Article 17 of the ICCPR, section 3(b) of the Press and Journalists Act Cap 100, section 29(2)(b) of the Uganda Communications Act, Regulation 38(1) of the Uganda Communications (Content) Regulations, 2019.
- 3.40 In addition, when the failure to seek for comment from the Complainants is considered together with the requirements of accuracy, verification, balance and impartiality under Regulations 10 and 11 of the Uganda Communications(Content) Regulations 2019, and paragraph 2(1) of Schedule 4 of the Press and Journalists Act Cap 100, the Commission is satisfied that the impugned publication did not meet the standard of responsible journalism required by the applicable laws referred to herein above.



- 3.41 Specifically, paragraph 2(1) of the Professional Code of Ethics for Journalists and Editors that is contained in Schedule 4 of the Press and Journalists Act Cap 100 on accurate instructively states that:

2. Accuracy

- (1) *Journalists and editors must take care not to publish inaccurate, misleading or distorted information, including pictures.*

- 3.42 Broadcasters, journalists and all media publishers in Uganda, must always seek to balance their professional right to inform, educate and entertain the public with the statutory duty to protect other people's rights and freedoms, including the right to privacy. This delicate balance can be achieved by ensuring that before any story is published, deliberate steps are taken to verify the information, and where possible, obtain comments from the people mentioned in the story or other independent actors with knowledge about the subject matter. This is necessary for purposes of minimising the risk of listening to one side of the story or relying on a single source, without independent verification of the information to be published. This extra care is particularly important especially in this digital era where a seemingly simple story about a person can, in a blink of an eye, circulate through the digital platforms to reach millions of people, across the world. The harm caused by inaccurate reporting about any person is far more indelible than the assumed value that the media and journalists expect to gain from feeding the public with false, incomplete or outrightly fake information. There is no legitimate public interest in receiving false, inaccurate or fake information about others.
- 3.43 It is important for media players to resist the temptation to always wish to be the first to break a story. There is not professional value in being the first to break an inaccurate story. The true value of journalism is derived from media players professionally feeding the public with accurate information and not in being the first to break unverified information.
- 3.44 For the above reasons, Issue No. 2 is resolved in the affirmative.

Issue 3: What are the rights and remedies are available to the parties?

- 3.45 Counsel for the Complainants requested the Commission to:
1. Issue an order that the Respondents immediately and permanently pulls down the impugned article from the Red Pepper website, and that Red Pepper correspondingly deletes or causes a deletion of the same and all related content from social media handles to which the Red Pepper shared the article.



2. An order that the Red Pepper unequivocally and with equal prominence to the original article issues an apology to the complainants, retracting the article for being a publication riddled with unverified information.
 3. A prohibition against the publication of part 2 to the article or any other content as threatened by Red Pepper except with full compliance with statutory requirements for accuracy, verification, fairness or balanced reporting.
 4. That the Commission takes any other additional regulatory measure against the Red Pepper considering the seriousness and adamant repetitive breaches complained of.
- 3.46 Counsel for the complainants also requested the Commission to investigate Red Pepper's editorial policies with reference to compliance with applicable regulations and set standards.
- 3.47 Further in the rejoinder submissions, Counsel for the complainants reiterated the earlier prayers, adding that Red Pepper's pattern of breaches, their multiplicity including extortion attempts by a licensed operator ought to trigger the Commission's powers under Regulation 41 (1) and prayed that the Commission:
- i. Directs Red Pepper to comply with pre-publication obligations, including addressing concerns over naming the Complainants' legal representatives in the threatened Part II publication of the article.
 - ii. Suspends or revokes the license of Nalufenya Innovations Limited t/a Red Pepper Online Publications.
 - iii. Directs internet service providers operating in Uganda to restrict access to the redpepper.co.ug.
 - iv. Refers evidence of extortion attempts and Red Pepper's repeated aid to Kavuma in contempt of a court order to the Uganda Police and DPP for investigation and prosecution.
- 3.48 The Commission is widely empowered under section 5(1)(j) of the Uganda Communications Act 2013 to receive, investigate and arbitrate complaints relating to communication services and take any necessary action. From the above findings of the Commission, the application succeeds in whole. The Commission will accordingly proceed in the final decision and directives below, to grant remedies prayed for by the successful complainants.



4.0 Final decision and Directives to the Respondents.

- 4.1 Based on the findings on issues 1 & 2 hereinabove, the Commission hereby finds that the issues raised in the complaint and the parties thereto are subject to the regulatory mandate and powers of the Commission, and that the Respondent breached specific provisions of the Uganda Communications Act, Cap 103 and Regulations made thereunder.
- 4.2 WHEREFORE, in accordance with its mandate under sections 5(1)(j) of the Uganda Communications Act Cap 103, Regulation 39 of the Uganda Communications (Content) Regulations 2019 and Regulations 7 and 8 of the Uganda Communications (Consumer Protection) Regulations 2019, the Commission hereby directs the Respondent Broadcasters as follows:
1. The Respondents should immediately pull down the content that they published against the Complainants on their respective online media platforms and correspondingly cause the same content to be deleted from all other associates' online platforms to whom the Respondent shared the content.
 2. The Respondents should unequivocally and with equal prominence to the original article issue an unconditional apology to the complainants, retracting the article for being a publication riddled with unverified information.
 3. The Respondent is prohibited against making further publications against the Complainants on the subject matter or any other similar content as threatened by them, without first ensuring that the allegations contained in the respective publications are accurate, verified, fair and balanced as guided in this decision and in accordance with the respective provisions of the law.
 4. The Respondent should immediately but in any case, within five (5) days from the date of this decision, submit to the Commission evidence that it has instituted sufficient measures in its editorial processes to ensure that stories are verified and moderated by editors before the same are published on its platform.
 5. In the event that any of the Respondents fails and/or otherwise omits to comply with any of the directives stated herein above, the Commission may impose other regulatory sanction(s) against such defiant operator without any further notice, including license revocation, directing telecom operators to block access to such platform and/or prosecution of the persons behind such defiant broadcasting platform(s) in accordance with the applicable laws.
- 4.3 In accordance with Regulation 7(j) of the Uganda Communications (Consumer Protection) Regulations 2019, the Complainants may



pursue their claims in courts of competent jurisdiction for the alleged extortion attempts or other related matters not herein determined, but which would ordinarily be referred to other law enforcement agencies by the Commission.

- 4.4 In accordance with section 65(1) of the Uganda Communications Act 2013, Regulation 44 of the Uganda Communications (Content) Regulations 2019 and Regulation 32 of the Uganda Communications (Consumer Protection) Regulations 2019, if any of the parties to this complaint is aggrieved by this decision, he or she has a right of appeal within a period of (30) thirty days from the date of this decision.

Delivered at Bugolobi, Kampala this^{1st}..... day of ~~August~~^{Sept} 2026



Hon. Nyombi Thembo

EXECUTIVE DIRECTOR

For and on behalf of the Uganda Communications Commission