Publication Evidence Schedule for Libel Words Images and Apology Demands

Educational sample 204 | Nairobi

Educational reconstruction from a reported Kenyan judgment. This is newly drafted text, not an original court filing and not a matter handled by our team. Identifying details are replaced with bracketed fields. Verify the facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI MILIMANI CIVIL DIVISION

CIVIL SUIT NO [correct reference]

[PLAINTIFF] v [DEFENDANT]

EVIDENCE OR COMPUTATION SCHEDULE

1. Entry 1: [first edition, publication date and page]. Preserve the complete article, headline, image, caption and surrounding text. Identify [source copy, custodian and bundle pages]. Record which words refer to the Plaintiff and the exact pleaded meaning; do not replace the original with a cropped reconstruction.

2. Entry 2: [second edition and page]. Record the position of the Plaintiff photograph relative to allegations about other persons. Distinguish the text naming the Plaintiff from meanings inferred from the layout. Give [authenticating witness] and retain the whole page.

3. Entry 3: [apology demand, dispatch record and receipt evidence]. Separate the letter date, delivery date and proof of actual receipt. Connect any later repetition to those dates. Mark an unproved delivery or missing acknowledgement as missing rather than established.

4. Entry 4: [reader witness and statement reference]. Identify recognition, actual reading, understanding and any special facts known to the reader. Entry 5: [criminal-case record or other admissible material relied on]. Explain its relevance without treating an unrelated conviction as proof against the Plaintiff.

5. For each entry add [original or copy], [admission status], [objection], [production witness] and [permission for supplementary filing]. This index supports the pleaded publications and evidence. It neither proves circulation figures nor adds a new allegation outside the plaint.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected party and address].

Use and evidence notes

This schedule supports a pleaded issue; it is not a new originating process or proof by itself. Give dates, authors, document pages, authenticating witnesses and transparent calculations. Label missing or disputed evidence accurately. Current costs and rates need current proof. Obtain leave or directions for supplementary material where required, serve it and avoid duplicate recovery of paid heads. Apply Order 2 rule 7 where relevant, and check the twelve-month limitation for libel or slander under section 4(2). Exact words and complete publication evidence must replace bracket fields. These historical publications do not permit a fresh claim now.

Supporting material schedule: [document date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach only genuine available records and mark missing records accurately.

Source and procedural limits

A public figure challenged two December 2004 newspaper reports associating him with a drug investigation. A later report placed his photograph beside allegations concerning other persons. The publisher pleaded truth and fair comment but called no witness. A reader testified; the claimant denied involvement and relied on an unanswered apology demand.

The publisher alone was held liable: KSh 7 million general and KSh 1 million exemplary damages. Special damages were nil; the broad permanent-injunction prayer was denied. Interest began 45 days after judgment. Personal involvement of the two employee defendants was not proved. The requested KSh 15 million and KSh 3 million were not the awards.

Meaning must be assessed from the whole publication, including an image and caption. Pleading truth or public interest is not proof of the defamatory imputation. Order 2 rule 7 governs special meaning, justification and particulars of malice. Defamation limitation requires separate attention under section 4(2) of the Limitation of Actions Act. Neither a damages tariff nor unrestricted censorship follows from this judgment.

[2025] KEHC 3825 (KLR) — 27 March 2025. Original judgment: https://sheriahub.com/cases/ke/caselaw/mwau-v-standard-limited-2-others-2025-kehc-3825-klr

The original decision may identify participants. The specimen replaces their identifying details. A source decision is not proof that a draft was filed, that an allegation succeeded, or that the same result will follow in another case.