Reader Witness Statement on Identification by Newspaper Photograph

Educational sample 203 | 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]

WITNESS STATEMENT

1. I am [reader identity and occupation]. I have known the Plaintiff since [date and circumstances]. I explain my own reading of the publication; I do not claim to know the police investigation or the Defendant editorial process.

2. I read [identified newspaper edition] at [place] on [date]. I recognised the Plaintiff by [name or photograph and basis of recognition]. The copy I identify is [bundle reference]. My account concerns what I actually read rather than an article described to me later.

3. The words and image appeared together in the following way: [describe the visible page, caption and position]. I understood the report to associate the Plaintiff with [precise allegation]. My reasons are [features actually observed], including any material surrounding text.

4. I distinguish an inference I drew from any fact I independently knew. I knew [relevant extrinsic facts, if any]. I did not independently establish that the alleged offence occurred or that the Plaintiff committed it. The publication itself is the subject of my evidence.

5. Any conversation or change in my view of the Plaintiff after reading was [state truthfully, or none]. I can identify the source copy and answer questions about my recollection. I have not been instructed to invent a reaction or a relationship with the Plaintiff.

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

Use the witness own first-person account, distinguish observed events from information supplied by others and give sequential bundle-page references. In a civil suit check Order 3, the required witness pack and case-management directions. Additional statements require the applicable leave or direction. A statement is not a substitute for expert evidence and remains subject to adoption, document production and cross-examination. 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.