

Verdiana Charles v Pendo Njeli Paulo	
Project code ¹	TAN
URL	https://tanzlii.org/akn/tz/judgment/tzhc/2021/5980/eng@2021-08-30
Citations	(HC Civil Appeal No 19 of 2021) 2021 TZHC 5980 (30 August 2021)
Country	Tanzania
Date of judgment	12 and 30 August 2021
Court	High Court
Location	Mwanza
Case type ²	Appeal
Result	Allowed
Flynote ³	Tort - defamation - defamation based on HIV status
Legislation and International Instruments ⁴	
Cases cited as authority ⁵	<ul style="list-style-type: none"> • <i>PM. Jonathan v Athuman Halfan</i> (1980) TLR 175
Facts ⁶	<p>This appeal challenged the lower court's decision to award damages and costs to the respondent for defamation, along with a claim for special damages. The appellant raised four grounds of appeal:</p> <ol style="list-style-type: none"> 1. The respondent's case was not proven to the required standard of balance of probabilities. 2. The trial magistrate made an error by relying on a judgment from a criminal court. 3. The trial magistrate improperly evaluated the evidence. 4. The respondent failed to provide sufficient proof for the awarded general damages of SHS. 5,000,000.
Summary ⁷	The court found that the respondent was not defamed because the evidence regarding the appellant's accusations were inconsistent, making it unlikely that the statements were widely published. The court also held that using HIV status as a defence in defamation cases could contribute to the stigmatization of HIV patients. The claim that the respondent's child was

¹ Project code is the combination of the three jurisdiction letters (KEN for Kenya, SAF for South Africa etc) and the unique case identification number for the index. E.g., a project code could be KEN1, SAF34, ZAM12).

² Whether Trial, Application or Appeal.

³ **Area of law** - topic - subtopic.

⁴ Legislation/ International instrument title and section numbers.

⁵ List of cases considered to be important precedent (case name and citation).

⁶ Brief facts about the case (max 150 words).

⁷ Summary of the determination of legal questions and/or grounds of appeal (between 150-250 words).

	born out of wedlock was dismissed as irrelevant, as the respondent had a husband and the child's birth certificate confirmed the husband as the father.
Decision/ Judgment ⁸	The appeal was allowed, and the decision of the lower court were quashed.
Basis of the decision ⁹	The appellant had proven their claim on a balance of probabilities
Reported by Date	Nova Nalondwa 15 June 2023

⁸ A brief summary of the ruling/judgment of the court (max 100 words).

⁹ A 1-2 sentence summary of the basis of the decision (i.e., which legal rules were relied on).