

**IN THE HIGH COURT OF SIERRA LEONE**  
**(GENERAL CIVIL DIVISION)**

BETWEEN: -  
                  MRS. SYLVIA E. J. BLYDEN                      - PLAINTIFF/APPLICANT  
  
                  AND  
  
                  PHILIP NEVILLE    - DEFENDANT/RESPONDENT

**J. B. Jenkins Johnston Esq. for the Plaintiff/Applicant**  
**S. K. Koroma Esq. for the Defendant/Respondent**

**JUDGMENT DELIVERED THE 15<sup>TH</sup> DAY OF FEBRUARY, 2012**

The Plaintiff/Applicant herein, **MRS. SYLVIA E. J. BLYDEN** has issued a Judges Summons dated 21<sup>st</sup> December, 2011 in which she prays that Judgment be entered against the Defendant/Respondent, **MR. PHILIP NEVILLE** on the admissions set out in his statement of defence dated 23<sup>rd</sup> September 2011 pursuant to Order 34 Rule 3 of the High Court Rules 2007.

The paragraphs in the said statement of defence alleged to contain the admissions are as follows:

- “3    The defendant admitted that he wrote and published the words complained of in paragraph 3 of the statement of claim.
  
- 4.    The defendant admitted that he wrote and published the words complained of in paragraph 4 of the statement of claim.
  
- 5.    The defendant admitted that he wrote and published the words complained of in paragraph 5 of the statement of claim.”

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Paragraphs 3, 4 and 5 of the statement of claim state as follows:

- “(3) The Plaintiff avers that on the 19<sup>th</sup> April 2011 in the Standard Times Newspaper at page 13 thereof, under the title,  
“SOMETHING TO THINK ABOUT – by Philip Neville, and  
 sub-titled “She is not the daughter of her father.”

The Defendant wrote as follows: -

- “Among the Journalists in Sierra Leone I consider myself the most appropriate to reply *Sylvia Blyden* in the Maada Bio’s case and any other one because I know THAT SHE IS NOT THE DAUGHTER OF HER FATHER, and when the times comes if she persists in doing what she has engaged in I will tell the world her true and biological father. And why she is behaving the way she is.”
- (4) The Plaintiff avers that in the Publication of the Standard Times Newspaper of the 20<sup>th</sup> April 2011 at pages 14 and 19 thereof, the Defendant repeated the words set out in paragraph 3 above, *“ipsissima verba”* and under the same sub-title – “She is not the daughter of her Father”.
- (5) The Plaintiff avers that in the Publication of The Standard Times Newspaper of 3<sup>rd</sup> May 2011 at Page 12 thereof, under the title – “SOMETHING TO THINK ABOUT.” By Philip Neville, and sub-titled “A monster goes for Excellence Award, the Defendant wrote as follows:

“.... It may be true that her Grandfather SAJ Pratt who is currently an occupant in one of The Old People’s Home in London and receiving handout from The British Government has failed to show and explain the role of certain important people in *Sylvia Blyden’s* life, like the late *Justice Robert Johnson*, a Regentonian who worked as Master and Registrar of the High Court and was promoted to a High Court Judge and

then to a Judge of the Appellate Court and later suffered death in London, Sylvia Blyden would have been proud of this name than what she is roaming the streets of Freetown and addressing herself with .....

The Plaintiff/Applicant therefore prays that consequent upon the said admissions in the statement of defence, judgment be entered against the Defendant/Respondent for the reliefs set out in the writ of summons which are as follows:

1. A full and unqualified apology for and withdrawal of the imputations contained in the three publications of the Standard Times Newspaper of 19<sup>th</sup> April, 20<sup>th</sup> April and 3<sup>rd</sup> May 2011, such apology to be published in a conspicuous part of the Standard Times Newspaper.
2. Punitive and/or aggravated damages for the gross and malicious libel against the Plaintiff, being a married woman of over 40 years and the consequent damage to her reputation, character and family.
3. An injunction restraining the Defendant whether by himself, servants, agents, columnists or contributors to his said newspaper, "The Standard Times Newspaper" or howsoever otherwise from further printing, publishing or circulating or causing to be printed, published or circulated of and concerning the Plaintiff the said or any similar libellous or defamatory statements



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4. Any further or other Order as this court may deem fit in the circumstances.
5. The costs of the action.

In support of the application is the affidavit of the Plaintiff, **SYLVIA E. J. BLYDEN** sworn to on 21<sup>st</sup> December 2011. The Plaintiff therein deposed that she is a married woman, married to **EDWARD BABATUNDE BLYDEN** with whom she has lived and cohabited for 43 years and that both of them are the biological parents of **DR. SYLVIA BLYDEN**, Publisher of the Awareness Times Newspaper in Freetown. Copies of the Plaintiff's marriage certificate and the birth certificate of her daughter, **DR. SYLVIA BLYDEN** are exhibited to the said affidavit and marked Exh "A<sup>1</sup>" and A<sup>2</sup> respectively. She further deposed that the Defendant is the owner and publisher of the Standard Times Newspaper in Freetown circulated throughout Sierra Leone and also published worldwide on the internet.

The Plaintiff went on to depose that on the 19th April 2011, the Defendant wrote and published in the Standard Times Newspaper at page 14 thereof under the title "**SOMETHING TO THINK ABOUT**" - by **PHILIP NEVILLE** and sub-titled "She is not the daughter of her father." Copy of the said article is exhibited to the affidavit and marked Exh "B".

Further that on the 20<sup>th</sup> April 2011 the Defendant wrote and published in the Standard Times Newspaper at pages 14 and 19 thereof the said article under the repeated sub-title "She is not the daughter of her father". A copy of the said article is exhibited and marked Exh "C".

That on the 3<sup>rd</sup> May 2011, the Defendant wrote and published in the said Standard Times Newspaper at page 12 thereof an article under the title "**SOMETHING TO THINK ABOUT**" by **PHILIP NEVILLE** and sub-titled "A monster goes for excellence award". A copy of the said article is exhibited and marked Exh "D".

The Plaintiff alleged that the words published by the Defendant impute that she committed adultery and that her daughter, **DR. SYLVIA BLYDEN** had been born as a result of the said adultery by another man instead of her biological father, **MR. EDWARD BABATUNDE BLYDEN**. She also alleged that all the statements contained in the said publication are a gross and malicious libel, not only imputing falsely adultery on her part but also imputing adultery on the part of the late Justice William Johnson, a married man and conspiracy on the part of Mr. Solomon Pratt, the father of the Plaintiff.

The Plaintiff stated that by a letter dated 16<sup>th</sup> May 2011 written to him by the Plaintiff's solicitor, the Defendant was required to publish an apology in a conspicuous part of the Standard Times Newspaper also an undertaking not to continue publication of the said statements or any

further defamatory statements concerning her and an indemnity in respect of such costs so far incurred plus compensation for the gross and malicious libel against her. The Defendant did not comply with the request and he was reminded to comply with the said demands but he again failed to do so. Copies of the said letters are exhibited to the said affidavit and marked Exh "F" and Exh "G" respectively.

The Plaintiff thereafter issued a writ of summons generally indorsed dated 9<sup>th</sup> June 2011 which was followed by a statement of claim dated 4<sup>th</sup> July 2011 seeking the reliefs earlier mentioned.

The Defendant entered appearance and filed a defence dated 23<sup>rd</sup> September 2011 in which he admitted that he wrote and published the words complained of in paragraphs 3, 4 and 5 of the Plaintiff's statement of claim. He denied however that the words complained of had anything to do with the Plaintiff and further that the words were defamatory of the Plaintiff.

Counsel for the Plaintiff in his arguments before the court submitted that the Defendant was clearly liable for libel in publishing the words complained of in his said Newspaper.

He went on to submit that the admission by the Defendant of his having written and published the words complained of form the basis of the application for judgment to be entered against him pursuant to the provisions of Order 34 rule 3(1) of the High Court Rules 2007.



He referred the court to the Plaintiff's marriage certificate, Exh "A" which disclosed that the Plaintiff was married to **EDWARD BABATUNDE BLYDEN** and that the marriage still subsisted at the date of the birth of their daughter, **DR. SYLVIA BLYDEN**. He also referred to the birth certificate of **DR. SYLVIA BLYDEN** Exh "A<sup>2</sup>" which had the name of the Plaintiff as her mother and the name of **EDWARD BABATUNDE BLYDEN** as her father.

Counsel for the Plaintiff went on to submit that for the Defendant to publish that the daughter of the Plaintiff is not the daughter of her father when in fact the said daughter was born when her parents were truly married is clearly defamatory. Counsel relied on **Halsbury's Laws of England** 3<sup>rd</sup> ed. Vol. 24 page 19 and **Gatley on Libel and Slander** 4<sup>th</sup> ed. page 122.

He contended that the Defendant's denial that the words complained of are defamatory is of no consequence and submitted that from the evidence the case for the Plaintiff is clearly made out as the Defendant has not proved who the true and biological father is in view of the marriage certificate of **MRS. BLYDEN**, the Plaintiff and the birth certificate of her daughter, **DR. SYLVIA BLYDEN**.

The Defendant opposed the application and swore to an affidavit in opposition on the 6th January 2012 which was filed on his behalf. He deposed that he only admitted the publication of the words complained of but did not admit that they were defamatory in anyway of the Plaintiff.

He denied that the words published had anything to do with the Plaintiff, let alone be defamatory of her. He deposed that the meanings given to the words are those of the Plaintiff based on her own perception.

The question therefore to be resolved as submitted by counsel for the Plaintiff, who has urged that it is for the court to determine, is: are the words defamatory of the Plaintiff?

The Defendant has urged that the words published had nothing to do with the Plaintiff. The alleged libel does not indeed mention the Plaintiff by name but it often happens that words published about "A" may indirectly be defamatory of "B". For instance if one says "A is illegitimate," to persons who know the parents of "A" are married, those words may be defamatory of the parents.

Counsel for the Defendant has stressed that there is nowhere in the defence where the Defendant admitted that the words are defamatory and refer to the Plaintiff. He argued that the person in issue is not **SYLVIA BLYDEN** the mother but **DR. SYLVIA BLYDEN** the daughter.

Let me refer to **Halsbury's Laws of England**, 4th ed. Vol. 24 paragraph 39 under the rubric "Unintentional reference to the Plaintiff", it states as follows

"It is not necessary in an action of libel or slander that the defendant should have intended in fact to make or publish the statement of and concerning the plaintiff, or even that the



defendant should have been aware of the existence of the plaintiff, if people to whom it was published would reasonably understand it to refer to the plaintiff”.

In the case of **Cassidy vs. Daily Mirror Newspaper** {1929} 2 K. B. 331 at page 339 it states as follows

“One must consider, not what the words are, but what conclusion could reasonably be drawn from it, as a man who issues such a document is answerable not only for the terms of it but also for the conclusion and meaning which persons will reasonably draw from and put upon it.”

In this case it is quite evident that not only is the language used in its ordinary meaning libellous or defamatory but also the person referred to in the libel would clearly be understood by persons who know her to refer to the Plaintiff. The Plaintiff is the mother of **DR. SYLVIA BLYDEN** and for the Defendant to say that she is not the daughter of her father is clearly libellous and defamatory particularly where there is concrete evidence of the name of her father in her birth certificate.

I therefore agree with the Plaintiff that the words published by the Defendant impute that she had committed adultery and that her daughter has been born as a result of an adulterous relationship with another man, instead of her biological father.

The Defendant has sought to explain in his letter to the Plaintiff's solicitor, Exh "G" his intention in issuing the publication and that there is nothing in it which suggests an adulterous relationship. He in fact submitted that it is the Plaintiff who has given those meanings to the words.

I shall refer to the case of **Jones vs. Hulton & Co.** {1909} 2 K. B. 444 relied on by counsel for the Plaintiff. It states at page 455 as follows:

" -- the intention or motive with which the words are used is immaterial, and that, if in fact the article does refer, or would be deemed by reasonable people to refer to the plaintiff, the action can be maintained, and proof of express malice is wholly unnecessary".

The fact that the Defendant has claimed that the words have nothing to do with the Plaintiff or that they are not malicious is immaterial. His motive or intention or what he had in mind is also wholly immaterial. I shall again quote from the **Jones vs. Hulton** case (supra) {1909} 2 K. B. at 456:

"In construing the words to see whether they are a libel the court is, where nothing is alleged to give them an extended sense, to put that meaning on them which the words would be understood by ordinary persons to bear, and say whether the words so understood are calculated to convey an injurious imputation. The question is not whether the defendant intended to convey that imputation; for if he, without excuse or

justification, did what he knew or ought to have known was calculated to injure the Plaintiff, he must (at least civilly) be responsible for the consequences though his object might have been to injure another person than the plaintiff, or though he may have written in levity only”.

In this case the Defendant may not have written to injure the plaintiff but as his counsel has admitted, it was directed at **DR. SYLVIA BLYDEN**, the daughter and it has turned out that several other persons have in the course been injured. The Plaintiff's father, MR. S. A. J. Pratt was also alleged to have engaged in conspiracy with her daughter being aware of her alleged adulterous relationship and of course, the imputation of the Plaintiff having committed adultery with Justice William Johnson (Deceased). These are persons who have all been affected by the defamatory words of the Defendant.

The Defendant ought to have known that his statements were calculated to injure not only the person for whom they were intended that is, **DR. SYLVIA BLYDEN** but also other members of her family and he must bear the consequences. He will not discharge the burden of proof imposed upon him that the words would not be understood by ordinary persons to convey the imputation suggested, by proving that he did not intend his words to convey the meaning suggested by the words themselves. He must be able to prove that reasonable persons who read them would not understand them in that meaning. This he has failed to do here.



The Plaintiff has prayed for judgment to be entered on the admissions by the Defendant that he wrote and published the words complained of. He has relied on the provisions of Order 34 rule 3(i) of the High Court Rules 2007.

Order 34 rule 3(i) provides as follows

“Where admission of fact or part of a case are made by a party to a cause or matter either by his pleadings or otherwise, any party to the cause or matter may apply to the court for such judgment or order as upon the admission he may be entitled to, without waiting for the determination of any other question between the parties; and the court may give such judgment or make such order on the application as it thinks just.”

In this case the Defendant has admitted writing and publishing the words complained of. He has also sought to explain his intention in writing the said words. It must be borne in mind that this is an action for libel. It is settled law that where the words complained of are defamatory in their natural and ordinary meaning the Plaintiff need prove nothing more than their publication. See **Gatley on Libel and Slander** 4<sup>th</sup> ed. at page 131 relied upon by counsel for the Plaintiff.

The admission by the Defendant that he indeed published the words complained of is sufficient to establish his liability for libel. The words complained of are clearly defamatory of the Plaintiff and no further explanation is required relating to the intention of the Defendant.

“Liability for libel does not depend on the intention of the defamer; but on the fact of the defamation” per Russell L. J. in **Cassidy vs. Daily Mirror** (supra) {1929} 2 K. B. at page 354.

In the circumstance, the Plaintiff has made out a case against the Defendant on his admissions and she is entitled to judgment as prayed.

I make the following Orders:

1. That the Defendant makes a full and unqualified apology for and withdrawal of the imputations contained in the three publications of the Standard Times Newspaper of 19<sup>th</sup> April 2011, 20<sup>th</sup> April 2011 and 3<sup>rd</sup> May 2011, such apology to be published in a conspicuous part of the Standard Times Newspaper within seven (7) days of the date of this judgment.
2. The Defendant to pay punitive damages for the gross and malicious libel against the Plaintiff, being a married woman of over 40 years, and the consequent damage to her reputation, character and family. Such damages to be assessed by the court.
3. An injunction is hereby granted restraining the Defendant by himself, servants, agents, columnists or contributors to his said Newspaper, The Standard Times or howsoever otherwise from further printing,

publishing or circulating or causing to be printed, published or circulated of and concerning the Plaintiff , the said or any similar libellous or defamatory statements.

- 4. Costs of the action to be borne by the Defendant to be taxed if not agreed upon.
- 5. Liberty to apply.

*A. Showers*  
**SIGNED: - A. SHOWERS** 15/2/2012  
**JUSTICE OF COURT OF APPEAL**