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# Surgery hospital sued over wrong HIV results

**KAMPALA.** A man has sued The Surgery, a hospital in the city's Naguru suburb, at the High Court in Kampala for wrongfully declaring him HIV positive, a move he says cost him a well-paying security job prospect in the war-torn Somalia.

Mr Godfrey Ntaro, in his court documents filed on February 22, narrates of how he had been shortlisted for a job in Somalia as a security guard with a monthly pay of \$1,200 (about Shs4.2m) per month for a period of two years.

However, one of the requirements by the labour recruiting firm was for Mr Ntaro to undergo a comprehensive medical check-up, including HIV, to be conducted at The Surgery.

"HIV test results were thereafter delivered to the plaintiff (Mr Ntaro) and they were to the effect that he was HIV positive and without any counselling, he was given prescription of Anti-Retroviral Drugs (ARVs) to commence taking them immediately," court documents stated in part.

Mr Ntaro adds that the same results were transmitted to the labour company which found

him ineligible for employment in Somalia and as such, his job offer was rescinded.

Mr Ntaro states that he sought a second opinion from other medical laboratories to ascertain his HIV status.

"On the 14th day of February 2018, the plaintiff (Mr Ntaro) went to Ebenezer clinical laboratories to seek a second opinion and the test results turned out to be HIV negative. On 20th day of February, the plaintiff (Mr Ntaro) decided to carry out another HIV test with a totally different laboratory, the Clinical Research Center, which results turned out to be negative," he says.

## Subsequent tests

He adds that despite getting the negative results on carrying out subsequent tests from other medical laboratories to impress the recruiting labour firm, his job opportunity was no longer available.

Through his lawyers, Mr Ntaro is seeking compensation of \$28,800 (about Shs100m)

from The Surgery, being the money he would have earned in Somalia for the two years that he would have been in employment.

He is also seeking \$300,000 (about Shs1 billion) as general damages for the gross negligence, psychological torture, emotional and physical trauma that he was subjected to due to the medical facility's actions and omissions.

But in its defence filed before the court on March 15, The Surgery claims to have issued Mr Ntaro with the 'fit for purpose' medical certificate to continue pursuing his employment dream in Somalia on grounds that his CD4 count was good.

"Therefore the plaintiff's claim for loss of employment is grossly speculative and the defendant (The Surgery) cannot be held liable for the loss of prospective employment income," The Surgery states in its defence.

The matter is currently on mediation.