**Nsubuga v Attorney-General**

**Division:** High Court of Uganda at Kampala

**Date of judgment:** 16 May 1973

**Case Number:** 842/1971 (103/73)

**Before:** Kantinti J

**Sourced by:** LawAfrica

*[1] Constitutional Law – Fundamental rights – Personal liberty – Detention order – Minister’s order*

*not challengeable.*

*[2] False imprisonment – Crime suspect not taken before magistrate – Not a wrong of political nature –*

*Damages awarded.*

*[3] Damages – False imprisonment – Twenty-one days in bad conditions – Shs.* 40,000*/- awarded.*

*[4] Damages – Personal injuries – Quantum – Partial loss of hearing – Shs.* 60,000*/- awarded.*

**Editor’s Summary**

The plaintiff was suspected of a crime and when he gave himself up he was detained for 21 days without being taken before a magistrate. He was also beaten and injured by the police. Thereafter for a further 22 days he was detained under a detention order of the Minister. The plaintiff lost part of the hearing of one ear and had been kept in disgraceful conditions. The full facts are set out in the judgment. On the plaintiff’s claim for damages for assault and false imprisonment, the defendant submitted that the detention order could not be challenged.

**Held –**

(i) as the plaintiff was suspected of a crime the first period of imprisonment was unlawful;

( ii) the detention order could not be challenged;

(iii) the defendant was responsible for the acts of the police in the course of their duty;

(iv) the acts done were not protected by the amnesty for political wrongs;

(v) the plaintiff would be awarded Shs. 40,000/- damages for the false imprisonment, and Shs.

60,000/- damages for the assault.

Judgment for the plaintiff.

**Cases referred to Judgment:**

(1) *R. v. Edmundson* (1859), 28 L.J.M.C. 213, 121 E.R. 30.

(2) *Muwonge v. Attorney-General of Uganda*, [1967] E.A. 17.

(3) *Kitto v. Attorney-General*, H.C.C.C. 81 of 1958 (unreported).

(4) *Abunyang v. Attorney-General*, H.C.C.C. 211 of 1969 (unreported).

(5) *John Waiswa v. Attorney-General*, H.C.C.C. 705 of 1970 (unreported).

(6) *Jimmy Kahasoke v. Hassani Kawosa*, H.C.C.C. 436 of 1970 (unreported).

(7) *Joseph Keyegga v. Attorney-General of Uganda*, H.C.C.C. 774 of 1971 (unreported).