

**THE REPUBLIC OF UGANDA**  
**IN THE HIGH COURT OF UGANDA AT KAMPALA**  
**(CIVIL DIVISION)**  
**CIVIL SUIT NO. 164 of 2017**

**GODFREY MBOWA ::: PLAINTIFF**

**VERSUS**

**ATTORNEY GENERAL ::: DEFENDANT**

**BEFORE: HON. JUSTICE SSEKAANA MUSA**

**JUDGMENT**

The plaintiff brought this suit against the defendant for declarations that; his arrest without reasonable cause, detention at Kireka Police station, pre-trial detention for 10 months without bail were violation of his right of liberty in Article 23 (1) of the Constitution, charging and prosecuting him for murder was violation of his right to fair trial, torture, refusal of the plaintiff to inform his next of kin of his arrest and detention, a declaration that the trial of a civilian in a military court was a violation of his right to fair trial, punitive, general damages and costs of the suit.

The plaintiff alleged that in about July/ August, 2006, he was picked by 6 plain clothed men from his shop at William street who thrust him into a waiting vehicle with civilian number plates and drove him to Kireka police station. He alleges that he was interrogated about a murder of a Chinese National during which he was tortured and his leg broken. He was never allowed to inform his relatives of his detention was never treated for the broken leg.

He alleged that he spent about one month at Kireka police station before he was transferred to Makindye military barracks from where he was taken to the

general court martial and charged with murder and remanded. The plaintiff further alleged that for 8 years, he was on remand and only appeared four times before court and it was until the last appearance on the 16<sup>th</sup> February, 2015 that he was found with no case to answer and set free. He therefore commenced this suit for violation of his rights under the Constitution.

The defendant filed its written statement of defence where in it denied all allegations made by the Plaintiff and further stated that he is not entitled to any of the claims and prayers sought. The defendant further denied the existence of any cause of action and contended that this suit is barred at law for which it shall raise a preliminary objection on points of law.

### ***Representation***

The plaintiff was represented by *Ms. Nakamya Stella* whereas the defendant was represented by *Ms. Mugisa Lydia*.

The parties during a joint scheduling conference proposed the following issues for determination by this court.

- 1. Whether the plaintiff's right to personal liberty was violated.**
- 2. Whether the plaintiff's freedom from torture, cruel, inhuman and degrading treatment was violated by the defendant.**
- 3. Whether the plaintiff's right to a fair trial was violated by the defendant.**
- 4. Whether the plaintiff is entitled to the remedies sought.**

The parties were ordered to file written submissions; all parties accordingly filed the same. All parties' submissions were considered by this court.

### **Determination of Issues**

#### **Whether the plaintiff's right to personal liberty was violated?**

Counsel stated that Article 23 of the Constitution provides for protection of personal liberty. She specifically noted that Article 23 (4) (b) guarantees that a

person detained or restricted on suspicion of having committed an offence must be taken to court not later than 48 hours. As such, she stated that PW1; the plaintiff testified that he was arrested by police officers and detained at RRU Kireka police station and Makindye barracks for about 4 to 5 months until he was produced at the general court martial.

Counsel further cited Article 23 (5) (a) which provides that where a person is detained, the next of kin of that person shall at his/ her request be informed as so as possible and lawyer and personal doctor of that person shall be allowed reasonable access. She stated that PW1 testified during cross examination that he was denied access to his relatives and was not allowed to inform them of his whereabouts. The only people that could access him while on remand were military officers and not his relatives.

While relying on Article 23 (3) of the Constitution, counsel stated that PW1 testified that he was whisked away from his shop by 4 men without informing him of the reason of his arrest. Counsel relied on the case of Issa Wazemba vs AG HCCS 154/ 2016 where it was held that the person arrested and detained has a right to know the reasons for his detention right away at the time of arrest and the person effecting the arrest must explain the reasons in clear and simple language.

Counsel also submitted that since the principle that the right to personal liberty is not absolute, it is the duty of the defendant to plead the justification; which was neither done nor produce evidence to show the exception to the violation of the plaintiff's right under Article 23 (1).

Defendant's counsel submitted that the defendant led evidence to show that the plaintiff was arrested in February 2007 following investigations that revealed that he was a key suspect in the murder of a Chinese national that occurred on the 16<sup>th</sup> December, 2006. She noted that a gun was recovered on the 13<sup>th</sup> February, 2007 and the plaintiff was placed at the scene of crime. She stated that there was no way that he could be arrested for an offense that had not occurred.

As such, counsel relied on Article 23 (1) (c) of the Constitution. Counsel therefore submitted that the defendant did not arrest the plaintiff in July or August 2006 as alleged and no evidence was led to prove the claim.

Counsel further submitted that the arrest that occurred in February, 2007 was lawful because it was in relation of a Chinese national and the plaintiff was arrested on reasonable suspicion that he had committed an offence and this did not therefore violate his right to personal liberty.

Counsel further submitted that the plaintiff did not furnish any evidence that he was arrested and detained at Kireka police station for the alleged period. In respect of access to his family, counsel further stated that the plaintiff had access to his family during the time he was on remand in Kigo prison after being charged with murder. She stated that no evidence was led by the plaintiff to prove that he requested and was denied the opportunity to inform his next of kin about his detention. Counsel noted that to demonstrate this, the plaintiff gave evidence that his house was sold in an attempt to pay for his legal fees which connotes that he was in contact with his family the entire period of his detention.

Counsel further submitted that during cross examination, the plaintiff gave testimony that he was aware of the charges levied upon him and was made aware of the same at the time of his arrest given the fact that he was a suspect in a murder investigation.

Counsel therefore submitted that the plaintiff has not furnished any proof that he was detained beyond the statutory limit of 48 hours before being charged before a competent court. She therefore prayed that this issue be resolved in the negative as the plaintiff failed to prove on the balance of probabilities that his right to personal liberty was violated.

### **Analysis**

I have carefully gone through the evidence adduced by the parties and their submissions. It is important to note that the burden of proof in civil matters such

as this; is heavy on the plaintiff to prove his allegations on the balance of probabilities. (see: **Section 101,102,103 Evidence Act**)

**Section 101 of the Evidence Act** is very clear on where the burden of proof lies; this being the person that desires any court to give judgment as to any legal right or liability dependent on the existence of facts which he or she asserts. He who asserts as to the existence of certain facts must prove. (**See: Jovelyn Bangahare-vs- Attorney General S.CCA No. 28 of 1993**) The plaintiff in these circumstances therefore has the onus of proving on the balance of probabilities that the defendant violated his rights in as far as he alleges.

The plaintiff alleges that the defendant violated his right to personal liberty under Article 23 of the Constitution.

*No person shall be deprived of personal liberty except in any of the following cases —*

(a) .....

(b) .....

(c) *for the purpose of bringing that person before a court in execution of the order of a court or upon reasonable suspicion that that person has committed or is about to commit a criminal offence under the laws of Uganda;*

Article 23 (3) further provides that a person arrested, restricted or detained shall be informed immediately, in a language that the person understands, of the reasons for the arrest, restriction or detention and of his or her right to a lawyer of his or her choice.

The Supreme Court in the case of **Charles Onyango Obbo vs Attorney General Const. Appeal No. 2 of 2002** held that protection of the guaranteed rights is a primary objective of the Constitution. Limiting their enjoyment is an exception to their protection and is therefore a secondary objective. Although the Constitution provides for both, it is obvious that the primary objective must be dominant. It can be overridden only in exceptional circumstances that give rise to secondary

objective. In that eventuality, only minimal impairment of enjoyment of the right, strictly warranted by exceptional circumstance is permissible.

In the case of **Hon. Sam Kuteesa vs Attorney General Const. Petition No. 46 of 2011**, the Constitutional court held that the subject of preservation of personal liberty is so crucial in the Constitution that any derogation from it where it has to be done as a matter of unavoidable necessity, the Constitution ensures that such derogation is just temporary and not indefinite. The Constitution has a mechanism that enables the enjoyment of the right that has been temporarily interrupted to be reclaimed through the right to the order of habeas corpus which is inviolable and cannot be suspended, as well as through the right to apply for release on bail.

In the circumstances of this case, the plaintiff alleges that his right to personal liberty was violated by the defendant when he was arrested and detained at RRU Kireka police station and Makindye barracks for about 4 to 5 months. During his cross examination, the plaintiff stated that he understood the charges against him at the court martial.

It is clear from the evidence on the court record that the plaintiff was arrested as a suspect for the murder of a Chinese National that occurred on the 13<sup>th</sup> February, 2007. Indeed, he was tried for the said offence before the court martial. As provided for under Article 23 (1) of the Constitution, a person's right to personal liberty can be deprived for the purpose of bringing that person before a court upon reasonable suspicion that he has committed a criminal offence as was the case in these circumstances where the plaintiff was charged with murder.

This was therefore an exceptional circumstance for which the plaintiff's right of liberty was suspended temporarily until the court found that he had no case to answer where upon he was then released. However, the plaintiff did not furnish any evidence of his detention before the RRU at Kireka police station and neither did he adduce any evidence to show that he was denied access to his relatives. In fact, he testified that his house was sold off to meet his legal costs and one would

wonder how this would have happened within him under custody and without any external influence.

In the circumstances, I find that on a balance of probabilities, the plaintiff has failed to prove that his right to personal liberty was violated by the defendant under the Constitution.

This ground is therefore answered in the negative.

**Whether the plaintiff's freedom from torture, cruel, inhuman and degrading treatment was violated by the defendant.**

Counsel relied on Article 24 of the Constitution that provides that no person shall be subjected to any form of torture, cruel, inhuman or degrading treatment or punishment. Counsel further relied on section 2 (1) of the Prevention and Prohibition of Torture Act to define torture. She stated that this right is absolute as per Article 44 of the Constitution.

While relying on the case of Issa Wazemba (*supra*), counsel noted that it was held that for an act to amount to torture, not only must there be a certain severity in pain and suffering but the treatment must be intentionally inflicted for the prohibited purpose. Counsel stated that PW1 testified that he was severely beaten using ordinary sticks interrogation him about people he did not know and about the murder of Chinese man. That in the process, his left leg broke and he cannot run but also feels pain when walking. During cross examination, he testified that he received treatment while in prison and when he left, he was examined by Dr. Lubega who attached a medical report of the plaintiff to his sworn statement. He did not however appear before court for his evidence to be admitted.

Counsel for the defendant submitted that the plaintiff was not tortured by state agents and has not furnished any evidence to the contrary. She noted that on the contrary, the defendant's witness testified that the plaintiff's injuries were as a result of an accident suffered in 2002.

Counsel also relied on the case of Issa Wazemba (Supra) where court held that the courts should apply a very strict test when considering whether there has been a breach of an individual's right to freedom from torture or inhuman or degrading treatment.

It was further submitted that the Dr. Lubega who allegedly examined the plaintiff did so almost 10 years after the alleged incident and that he did not appear for cross examination and thus his evidence was not accepted by the court. She therefore cited Order 18 (5A) 5 of the Civil Procedure (Amendment) Rules which provides that a witness who does not appear to tender in the witness statement and be cross examined shall have his statement expunged from the court record.

She therefore stated that there is not corroboration of the allegations of torture and that the strict test for torture has not been met and prayed that this issue be answered in the negative.

### **Analysis**

**Article 24 of the Constitution** guarantees freedom from torture, cruel, inhuman or degrading treatment or punishment. This guarantee is absolute and in fact prohibitory as per **Article 44 (a)** of the Constitution. Consequently, under Article 24 Parliament enacted the Prevention and Prohibition of Torture Act 2012, under which **Section 2 (1)** defines torture as any act or omission by which severe pain or suffering whether physical or mental, is intentionally inflicted on a person by or at the instigation of or with the consent or acquiescence of any person whether a public official or other person acting in an official or private capacity. Further, Section 3 (supra) provides for prohibition of torture and the enjoyment of the right to freedom from torture shall be non derogable.

In light of the above, the plaintiff's evidence on the court record, does not show that he was subjected to any torture during his custody. All the plaintiff relies on is a report issued by a one Dr. Lubega who was not presented before the court as



a witness for his evidence to be admitted as evidence in chief and further be cross examined as provided for under **Order 18, Rule 5A (5)** of the Civil Procedure Rules as amended.

It is important to note that in arriving at a decision whether certain treatment amounts to torture, the court takes into account factors of each individual case, such as the duration of the treatment, its physical and mental effects, age, sex, health and vulnerability of the victim. Courts apply a very strict test when considering whether there has been a breach of an individual's right and freedom from torture or inhuman degrading treatment. There are no exceptional circumstances to justify torture.

Freedom from torture is one of the most universally recognized human rights. Torture is considered so barbaric and incompatible with civilized society that it cannot be tolerated. Torturers are seen as the 'enemy of mankind'. Torture is considered one of the most serious crimes against humanity because of its profound violation of the moral and physical integrity of the individual. The ban on torture is found in a number of International Treaties, including Article 2 of the United Nations Convention Against Torture and Article 3 of the Human Rights Convention and Article 5 of the Universal Declaration of Human Rights and Article 5 of the African Charter on Human and People's Rights.

In **Ireland vs United Kingdom ECHR Application No.5310/71**, Court explained the distinction between torture and inhuman or degrading treatment lies in the difference in the intensity of suffering inflicted. In deciding whether certain treatment amounts to torture, the court takes into account factors of each individual case, such as the duration of treatment, its physical and mental effects, and age, sex, health and vulnerability of the victim.

The suffering and humiliation must in any event go beyond the inevitable element of suffering or humiliation connected with a given form of legitimate treatment or punishment, as in for example, measures depriving a person of their liberty. (See: **Wainwright v United Kingdom Case No. 12350/04, ECHR**) It must

inflict pain that is difficult to endure. Physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, pain or suffering to amount to torture it must result in significant psychological harm of significant duration.

The courts should apply a very strict test when considering whether there has been a breach of an individual's right to freedom from torture or inhuman or degrading treatment. Only worst examples are likely to satisfy the test. (See **Issa Wazembe vs Attorney General HCCS No. 154 of 2016**) The court's basis of imputing torture in different cases should be understood and based on methods of inflicting suffering which have already been overtaken by the ingenuity of modern techniques of oppression.

Torture no longer presupposes violence, a notion to which the public understands it to be in most cases. Torture can be practiced and is indeed practiced-by using subtle techniques developed in multidisciplinary laboratories/centres which claim to be scientific. By means of new suffering that have little in common with the physical pain caused by conventional torture it aims to bring about, even if only temporarily, the disintegration of an individual's personality, the shattering of his mental and psychological equilibrium and the crushing of his will.

There are no exceptional circumstances whatsoever to justify torture. The court cannot be a silent spectator where stinking facts warrant interference in order to serve the interest of justice. (See: **Baguma Paul v Uganda Revenue Authority HCCS No. 93 of 2014.**) The applicant has a duty to prove the facts asserted exist as per section **101 of the Evidence Act**.

Under that duty, the plaintiff ought to satisfy this court the allegations that he was tortured while in detention. Owing to the intensity of his allegations, there should have been cogent evidence indicating that he was tortured and the report by Dr. Lubega does not sufficiently prove his case. The said report was done after examination of the plaintiff 10 years after the alleged torture. In absence of

further corroborating evidence, the plaintiff cannot be said to have proved on a balance of probabilities that he was tortured thereby violating his right and freedom against torture as provided for under the Constitution. The defence witness stated that he is a friend of the plaintiff and he was aware that the plaintiff was charged with murder and aggravated robbery. Further that he was involved in accident and his friend kaku died in 2002. It was in that accident that the plaintiff got the said fractures and not through torture as he alleged in this court.

In the instant circumstances, the plaintiff has not shown that he was subjected to any torture that resulted into him breaking his leg. It would appear that the plaintiff as a former criminal or suspect of murder is using court proceedings to make allegations against the State 10 years after his arrest and prosecution for murder of a Chinese national and aggravated robbery.

I therefore find this issue in the negative.

### **Whether the plaintiff's right to a fair trial was violated.**

Counsel for the plaintiff relied on Article 28 of the Constitution that guarantees the right to a fair, speedy and public hearing. She stated that if the hearing is not fair and speedy, it amounts to the tort of malicious prosecution. She further submitted that the tort of malicious prosecution is committed where there is no legal reason for instituting criminal proceedings and occurs as a result of abuse of the minds of judicial authorities whose responsibility is to administer criminal justice.

Counsel relied on the Odunga's digest on Civil Case Law and Procedure pg. 5276, for the essential ingredients to prove malicious prosecution to include; a) the criminal proceedings must have been instituted by the defendant, b) the defendant must have acted without reasonable or probable cause, c) the defendant must have acted maliciously, and e) the criminal proceedings must have been terminated in the plaintiff's favour.

PW1 testified that in 2006, he was charged with murder until he was acquitted and released on the 16<sup>th</sup> February, 2015. Counsel stated that there is no doubt that the defendant instituted criminal proceedings against the plaintiff which were terminated in his favour. She further relied on the case of Dr. Willy Kaberuka vs A.G Civil Suit No, 160/ 1993 [1994] 11 KARL 64 where court noted that whether there was reasonable and probable cause of the prosecution is primarily to be judged on the basis of an objective test which is the totality of the material within the knowledge of the prosecutor at the time he instituted the prosecution.

Counsel submitted that the charging of the plaintiff demonstrated failure on the part of the defendant to conduct thorough investigation. She further submitted that malice is established as inferred from the failure of the defendant to consult the law and act prudently and cautiously not to arrest, detain and charge the plaintiff who had no cause. She relied on the case of Gwagilo vs AG [2002] 2ED 381 and Mugabi vs AG Civil Suit No. 133 of 2002.

Counsel stated that according to PE1; the proceedings of the general court martial, the plaintiff was produced in court on the 14 March, 2007 and remanded. He together with other accused reported to court on several occasions where he kept requesting the matter to be mentioned until inquiries are being concluded. She stated that the matter was heard on 7<sup>th</sup> October, 2002 until 16<sup>th</sup> February, 2015 when the plaintiff was acquitted on ground of no case to answer. Counsel stated that this shows that the police and prosecutor did not carry out investigations, never consulted the law and did not act prudently when arresting, detaining and charging he plaintiff.

Counsel therefore stated that the essential ingredients to prove malicious prosecution were proved and that the prosecution that took 7 years is not a speedy trial as guaranteed by the constitution.

In respect of the plaintiff's contention of malicious prosecution, counsel for defendant concurred with the ingredients listed by the plaintiff's counsel and stated that it is not in dispute that the criminal proceedings were instituted by

the state. She stated that the defendant led evidence to show that on the 16<sup>th</sup> December, 2006 at 1<sup>st</sup> Street Industrial area, there was a murder and aggravated robbery that resulted into the death of a Chinese national. Investigations were commenced and the murder weapon recovered. It was revealed that the plaintiff was part of the perpetrators of the incident and the police relied on sound intelligence to arrest him as a prime suspect of a capital offence, counsel therefore submitted that there was probable cause to arrest and charge the plaintiff.

While relying on *Gwagilo (supra)*, counsel for the defendant submitted that there was no intention to use legal proceedings against the plaintiff. On the contrary, the prosecution was only trying to bring the perpetrators of an offence to book as there were a number of witnesses who revealed the plaintiff's participation in those events. She therefore submitted that there was no malice in the prosecution of the plaintiff as alleged.

The defendant while relying on *Oketch vs A.G C. S No. 17 of 2012* further submitted that a declaration of a no case to answer does not automatically mean that there was malicious prosecution. She therefore stated that the arrest and eventual prosecution of the plaintiff was done after investigations had been conducted and evidence emerged that the plaintiff was a prime suspect in the murder of the Chinese national and as much as he was acquitted, malicious prosecution does not arise.

### **Analysis**

**Article 28 of the Constitution** provides that in the determination of civil rights and obligations or any criminal charge, a person shall be entitled to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law. This article sets out the tenets of a fair trial although this is not defined under the Constitution.

**Article 44** of the Constitution that there shall be no derogation from the enjoyment of the right to fair hearing (See: **Col (Rtd.) Kizza Besigye & 22 Others vs. Attorney General, Constitutional Petition No. 12 of 2006**)

It is the plaintiff's contention that the defendant maliciously prosecuted him before the Court martial. It is therefore important to understand the elements of the tort of malicious prosecution.

The tort of malicious prosecution is committed where there is no legal reason for instituting criminal proceedings. It occurs as a result of the abuse of the minds of the minds of judicial authorities whose responsibility is to administer criminal justice.

According to **Odunga's Digest on Civil Case Law and Procedure page 5276**, the essential ingredients to prove malicious prosecution are as follows:

- a) The criminal proceedings must have been instituted by the defendant
- b) The defendant must have acted without reasonable or probable cause
- c) The defendant must have acted maliciously
- d) The criminal proceedings must have been terminated in the plaintiff's favour.

In this case, there is no doubt since it is an agreed fact that the defendant instituted criminal proceedings against the plaintiff which proceedings were terminated in the plaintiff's favour hence proving two of the essential ingredients of malicious prosecution.

However, mere acquittal in the plaintiff's favour does not mean that he has been maliciously prosecuted. He must prove other conditions of malicious prosecution. In addition, merely because the plaintiff came to be acquitted or discharged in a criminal court as the prosecution failed to prove the case beyond reasonable doubt, it does not mean that such acquittal or discharge could necessarily boomerang upon the defendant as a case for malicious prosecution.

The main issue for determination is whether the defendant acted without reasonable or probable cause. According to **Dr. Willy Kaberuka v Attorney General Civil Suit No. 160 of 1993 [1994] II KALR 64**, Byamugisha J (RIP) stated that

*“The question as to whether there was reasonable and probable cause for the prosecution is primarily to be judged on the basis of an objective test and that is to say, to constitute reasonable and probable cause, the totality of the material within the knowledge of the prosecutor at the time he instituted the prosecution whether that material consists of facts discovered by the prosecutor or information which has come to him or both must be such as to be capable of satisfying an ordinary prudent and cautious man to the extent of believing that the accused is probably guilty”*

In the present case, it is the uncontroverted evidence of the plaintiff that the plaintiff was charged with murder of a Chinese national that occurred on the 16<sup>th</sup> of December, 2006 at 1<sup>st</sup> Street Industrial Area. The plaintiff was on several occasions presented before court for hearing on the said charges. So it can clearly be seen that the plaintiff was arrested and charged on suspicion of his involvement in the perpetration of the murder.

I believe because of the gravity of the crime, a reasonable and prudent prosecutor upon investigations linking the plaintiff to the crime would in his position have arrested, detained and charged the plaintiff. On that basis I find that the defendant acted with reasonable or probable cause. The defendant’s officials had the necessary material to satisfy a prudent and cautious man to institute criminal proceedings against the plaintiff.

In the case of **Katerregga vs Attorney General [1973] 1 EA 287**, it was held that malice must be proved in fact and in the circumstances of this case, no malice was proved by the plaintiff against the defendant. Malice in the context of malicious prosecution is an intent to use the legal process for some other purpose than its legally appointed and appropriate purpose

and the appellant could prove malice by showing for instance that the prosecution did not honestly believe in the case which they were making that there was no evidence at all upon which a reasonable tribunal could convict that the prosecution was mounted a wrong motive and show that motive. (See: **Gwagilo v Attorney General [2002] 2 EA 381**).

Malice in criminal proceedings can be established by looking at the peculiar circumstances of every case or inference from circumstances and cannot be proved by direct evidence. Malice means indirect and improper motive. That is to say; intent to use legal process in question for some other than it's legally appointed and appropriate purpose. The plaintiff must show that the prosecution was motivated not by desire to achieve justice, but for some other reason. (See: **Zainal bin Kuning v Chan Sin Mian Micheal [1996] 2 SLR(R) 858**) Malice can be established through enmity, retaliation, haste, omission to make due and proper enquiries, recklessness, harassment, personal spite, sinister motive etc. are some of the items which are relied upon for proving the malice.

It is therefore my view that malice has not been established by the plaintiff in the circumstances of this case since the prosecution was only trying to bring the perpetrators of an offence to book as there were a number of witnesses who revealed participation of the plaintiff in those events. It has not been proved that the prosecution was motivated by any spite against the plaintiff other than the desire to achieve justice.

The plaintiff has therefore not proved the essential elements of wrongful and malicious prosecution to the satisfaction of the court.

In the circumstances, this issue is answered in the negative.

### **What remedies is the plaintiff entitled to?**

The plaintiff cited Article 50 (1) of the Constitution which entitles a person who claims that his fundamental rights and freedoms have been violated to file an



action in a competent court for redress which may include compensation. Counsel further submitted that redress includes punitive damages which are meant to punish the person in violation. She further relied on Article 23 (7) of the Constitution.

Counsel further sought for costs and relied on Section 27 (1) of the Civil Procedure Act that these follow the event. As such, she prayed that the plaintiff is awarded general damages of Ugx. 300.000.000/= and punitive damages of Ugx. 100.000.000/= for all the constitutional guarantees that were violated.

This court having found that the plaintiff's constitutional rights to personal liberty, fair trial and freedom from torture, cruel, inhuman and degrading treatment were not violated by the defendant, I find that the plaintiff is not entitled to any of the remedies sought herein.

This suit is therefore dismissed with costs to the defendant.

I so Order.

**SSEKAANA MUSA**

**JUDGE**

**31<sup>st</sup> May 2023**