



The Court stated that the **High Court of Uganda is not vested with extraterritorial jurisdiction to entertain cases, including those of torture, committed over the territory of the Republic of Kenya and other countries**, since the limited exceptions of offences spelt out in **S. 4(2)** of the Penal Code Act do not include the offence of torture.

In this case, the Court noted that even if the allegations of torture were true and perpetrated by the armed persons who were officers of the Uganda Police Force, it would still not be clothed with the necessary jurisdiction to adjudicate over acts of torture that occurred in Nairobi, Kenya.

The High Court of Uganda, **the Court stated**, has no jurisdiction to apply the Human Rights Enforcement Act, to violations occurring outside Uganda. That law, **the Court clarified**, is only applicable and enforceable for violations within Uganda. Any violations outside the territory of Uganda must be adjudicated under the law governing the matter in that other jurisdiction. The Court further noted that, in computing the 48-hour rule, weekends are excluded.



Ruling in Nduhukire Nasser alias Don Nasser v Attorney General (Miscellaneous Application No. 008 of 2025 arising from HCT-ICD-PT No. 0001 of 2025) by Hon. Mr. Justice Bashaija K. Andrew on 30th June 2025.

The Applicant brought this application, alleging he, together with one Sheena Kamuhogo, was abducted by Ugandan police from Nairobi, detained in a container for three days without food, and tortured by his abductors, who forced him to disclose information to them.

He stated that following his arrest and/or kidnap from Nairobi–Kenya, he was detained for five days before being arraigned in court. He claimed he was unlawfully brought to Uganda without extradition. He also claimed these actions violated his right to freedom from torture, inhuman and degrading treatment, and the right to liberty, and sought various reliefs, including declarations of violations of his fundamental rights and freedoms and nullifying his trial.

In its determination, the High Court held it lacked jurisdiction over acts of torture committed in Kenya. Regarding his complaint within Uganda’s territory, the Court found it concerned the alleged infringement of his right to personal liberty. It found the Applicant was detained on Sat, 21st September 2024 and arraigned on Mon, 23rd September, noting that weekends are excluded from the 48-hour rule, which was hence not violated.

On extradition and rendition, the Court held he failed to prove he travelled to Kenya as required under **S. 101** of the Evidence Act and did not fall within the scope of **S. 1(c)** of the Extradition Act; thus, the issue of extradition and rendition did not arise. The application was dismissed with costs to the respondent.

Legal Representation

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