THE BILL WAS PASSED BY PARLIAMENT ON SEPTEMBER 8, 2022

COURT NULLIFIES COMPUTER MISUSE ACT PROVISIONS

By Michael Odeng and Farooq Kasule

Did you know that laws barring unauthorised access to information, malicious data sharing, misuse of social media, sharing children's information without consent and hate speech are no longer criminal offences under the Computer Misuse Act?

Well, several sections of the Act are now null and void. This follows a landmark judgement by the Constitutional Court, which nullified several provisions of the Computer Misuse Act, 2022, after determining that Parliament violated constitutional procedures while passing the law.

The Constitutional Court decision rendered several previously punishable cyber-related offences unenforceable.

In a unanimous judgment delivered yesterday, the justices led by Irene Mulyagonja declared that the Computer Misuse (Amendment) Bill, 2022, was passed by Parliament without complying with the provisions of rule 24 (3) of the Rules of Procedure of Parliament made under Article 94 of the Constitution, which requires the requisite quorum.

Other justices on the panel who agreed with Justice Mulyagonja's decision are Ketrah Kitariisibwa Katunguka, Esta Nambayo, Jesse Rugyema Byaruhanga and John Mike Musisi.

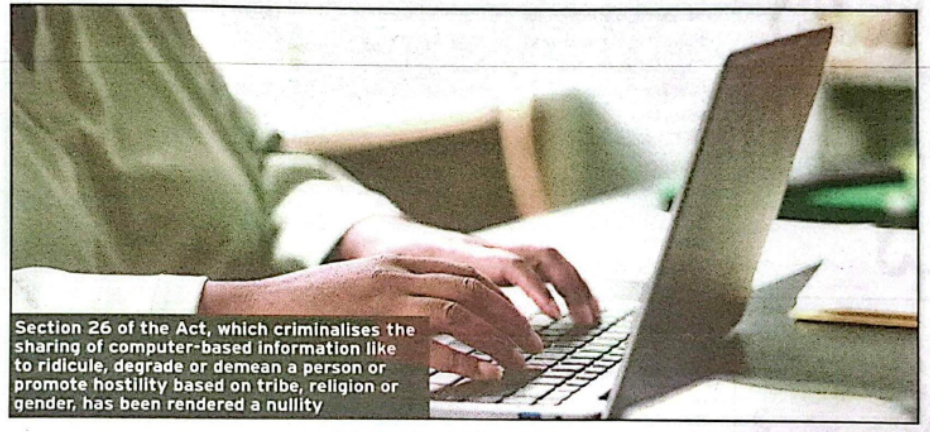
The justices said Parliament passed the Bill without ascertaining that there was a requisite quorum before the MPs voted on each clause of the Bill.

The justices also ruled that Parliament passed the law without complying with rule 24(3) of the Rules of Procedure of Parliament, hence contravening Articles 88 and 89 of the Constitution.

"The provisions of the Computer Misuse Act, 2022, edition are, therefore, null and void because they were enacted without following the law," Justice Mulyagonja ruled.

The court also issued a permanent injunction restraining the government and its agencies from enforcing sections 11, 23, 26, 27, 28, and 29 of the Computer Misuse Act (as amended), currently Chapter 96 of the Revised Edition of the Laws of Uganda (2023), which was being challenged by the petitioners.

The court nullified Section 11, which criminalised unauthorised access,



Section 26 of the Act, which criminalises the sharing of computer-based information like to ridicule, degrade or demean a person or promote hostility based on tribe, religion or gender, has been rendered a nullity

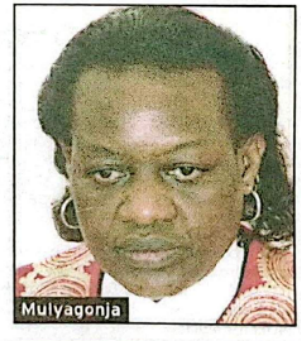
sending or sharing of malicious information related to another person, as well as Section 29, which prohibited the misuse of social media through the sharing of prohibited information under a disguised or false identity.

The judgment stems from three constitutional petitions filed by the petitioners in 2022, challenging the constitutionality of the Computer Misuse Act.

The petitioners included Uganda Law Society, Editors Guild, Human Rights Network for Journalists (HRNJ), Chapter Four Uganda, Collaboration on International ICT Policy for Eastern and Southern Africa, Centre for Constitutional Governance and Strategic Response International.

Others included the African Centre for Media Excellence, Alternative Digital Limited, and the ex-Leader of Opposition in Parliament, Winnie Kiiza. They filed the petition against the Attorney General, who is the principal legal adviser of the Government.

Engineered by Kampala Central MP



Mulyagonja



Byaruhanga



ULS, LAWYERS SPEAKS OUT

The Uganda Law Society (ULS) welcomed the judgment, saying it is a major victory for freedom of expression. In a statement dated March 17, 2026, ULS president Isaac Ssemakadde said the implication is that all ongoing criminal trials founded on these provisions must, therefore, be terminated immediately and the charges dismissed

PENAL CODE ACT

The court also declared that section 162 of the Penal Code Act, which criminalises libel, contravenes the provisions of the Constitution, declaring that it is vague and ambiguous.

The justices also stated that a section in the Penal Code Act, which criminalises libel, also contravenes some provisions in the International Covenant on Civil and Political Rights and the National Objectives and Directive Principles of State Policy in the Constitution.

The justices noted that Section 162 of the Penal Code Act contravenes Article 9 of the African Charter on Human and People's Rights while section 163 of the same Act that defines defamation, does not meet the standard of the law that is required by Article 9(2) of the charter and it is, therefore, null and void as it is inconsistent with the law.

assistance from any of the 22 branches of the ULS Legal Aid Project. "We will continue to act firmly against any law or action that undermines democracy, restricts freedom, or threatens the constitutional rights of Ugandans," Ssemakadde said.

JAILED PERSONS

Ssemakadde fled the country last year after the then High Court Judge, Musa Ssekaana, on February 14, 2025, found him guilty of making "derogatory and scandalous" remarks about judicial officers on social media and sentenced him to two years in jail.

The sentence arose from an application filed by lawyer Hashim Mugisha, who requested Justice Ssekaana (now Court of Appeal justice) to order Ssemakadde's arrest and detention in a civil prison for contempt of court.

In his decision, Ssekaana said such remarks constituted an affront to judicial impartiality and undermined the integrity of the judiciary as an institution.

On February 3, 2026, city lawyer Male Mabirizi was also remanded to Luzira Prison by the Buganda Road Chief Magistrates' Court on charges

CamScanner