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THE REPUBLIC OF UGANDA  
IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA  
CONSTITUTIONAL PETITION NO.5 OF 2016

BETWEEN

1. ANDREW KARAMAGI

10 2. ROBERT SHAKA ..... PETITIONERS

VERSUS

ATTORNEY GENERAL ..... RESPONDENT

CORAM: Hon. Mr. Justice Richard Buteera, DCJ

Hon. Mr. Justice Kenneth Kakuru, JA/JCC

15 Hon. Mr. Justice Geoffrey Kiryabwire, JA/ JCC

Hon. Lady. Justice Elizabeth Musoke, JA/ JCC

Hon. Lady. Justice Monica Mugenyi, JA/ JCC

**JUDGMENT OF HON. JUSTICE KENNETH KAKURU, JA/ JCC**

The Petition is brought under *Article 137* of the 1995 Constitution of Uganda and the  
20 Constitutional Court (Petitions and References) Rules 2005 Statutory Instrument No.  
91 of 2005. The petitioners allege that Section 25 of the Computer Misuse Act, No. 2  
of 2011 ("the impugned Section") which declares it an offence for any person to  
"willfully and repeatedly use electronic communication to disturb or attempt to  
disturb the peace, quiet or right of privacy of any person with no purpose of legitimate  
25 communication" is inconsistent with and in contravention of Article 29(1)(a) of the  
Constitution.

The petitioners also state that: -

- 30 a. *The impugned Section is an insidious form of censorship which restricts the free flow of opinions and ideas essential to sustain the collective life of the citizenry in the digital age;*  
b. *It is vague and overly broad, and*