

FOR IMMEDIATE RELEASE: COURT STRIKES DOWN UNCONSTITUTIONAL PROVISIONS OF KENYA'S CYBERCRIMES AMENDMENT ACT

Nairobi, Kenya – July 2, 2026 – The Kenya Section of the International Commission of Jurists (ICJ Kenya), ARTICLE 19 Eastern Africa, and the Bloggers Association of Kenya (BAKE), with the support of Amnesty International Kenya, welcomes the landmark ruling by the High Court of Kenya at Milimani, declaring key provisions of the Computer Misuse and Cybercrimes (Amendment) Act, 2025 unconstitutional.

In a judgment delivered by **Honourable Justice Patricia Nyaundi**, the Court struck down **Section 6(1)(j)(a)** of the amended law, which had empowered the **National Computer and Cybercrimes Coordination Committee (NC4)** to disable access to websites and applications suspected of hosting content linked to terrorism, violent extremism, child sexual exploitation, and other unlawful activities. The Court held that the provision granted sweeping censorship powers to an administrative body without adequate safeguards, infringing on constitutional protections for freedom of expression and media freedom.

The Court found that the provision effectively permitted the Committee to determine whether online content was offensive and to order its removal without judicial oversight, thereby constituting unconstitutional prior restraint. The Court further held that the State had failed to demonstrate that the limitation of constitutional rights met the strict requirements under Article 24 of the Constitution, which demands that any restriction of a fundamental freedom be **clear, precise, reasonable, and demonstrably justifiable in an open and democratic society**.

The Court also invalidated **Section 27(1)(b)**, which criminalised communication considered "**likely**" to cause another person to commit suicide. Justice Nyaundi ruled that the provision was vague, overly broad, and based on speculative standards that failed to define with sufficient precision what conduct amounted to a criminal offence. She held that imposing criminal liability on the basis of communication merely "**likely**" to result in suicide offended the constitutional principle of legality because it relied on subjective and uncertain criteria.

The petition challenged the constitutionality of these provisions, arguing that they granted excessive powers to the NC4 without judicial oversight and legitimised internet and platform shutdowns, and that the vague language of Section 27(1)(b) criminalised speech based on subjective standards.

Speaking on behalf of the Petitioners: **Christine Alai, Chairperson, ICJ Kenya** said, *"This ruling is a resounding affirmation of freedom to seek, receive and impart information online. The Court has rightly held that the power to restrict access to online content must be subject to judicial oversight and cannot be left to an administrative body"*

Patrick Mutahi, Acting Regional Director, ARTICLE 19 Eastern Africa, commented that *"Today's judgment is a victory for the digital rights of all Kenyans. The Court has sent a clear message that vague and overly broad provisions that criminalise speech based on speculative standards have no place in our legal framework"*

Kennedy Kachwanya, Chairperson, Bloggers Association of Kenya (BAKE), said, *"This judgment restores our confidence in the judiciary and affirms that the internet is a space for free expression, not for censorship. We will continue to fight for a digital environment that is open, inclusive, and respectful of fundamental rights."*

The Petitioners reaffirm their commitment to continue defending freedom of expression, access to information, and digital rights in Kenya, and call on all stakeholders to uphold the Constitution and the rule of law.

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**Bloggers
Association
of Kenya**