



STATEMENT ON RULING IN AKISO BENJAMIN & 14 OTHERS v KYAMBOGO UNIVERSITY

(Kampala, Uganda | May 8, 2025) This afternoon, Hon. Justice Collins Acellam of the High Court (Civil Division) delivered his ruling in *Akiso Benjamin & 14 Others v Kyambogo University* (Miscellaneous Application No. 330 of 2025). The case sought urgent interim orders to, among others, restrain the university from preventing the 17 students from accessing campus and attending examinations that commenced on May 7, 2025, pending the hearing and determination of the main case.

The Court dismissed the application, holding that the status quo to be preserved was the suspension of the students and that the balance of convenience favored maintaining the suspensions. The Court further stated that granting the interim orders would set a harmful precedent that undermines institutions' ability to maintain law and order and ensure a peaceful learning environment.

In his ruling, the learned Judge delved into the merits of the main case for judicial review, affirming the university's authority to discipline or remove any student whose conduct is inconsistent with "reasonable standards expected of students."

While we respect the Court's ruling, we disagree with the whole decision. We note that it contradicts previous High Court rulings in *Daniel Jakisa & 2 Others v Kyambogo University* (Miscellaneous Application No. 549 of 2013) and *Uganda National Students Association v Nkumba University* (Miscellaneous Application No. 35 of 2015).

"The two cases emphasized the constitutional and statutory duty imposed on courts of law to ensure that students' grievances against administrative decisions are investigated, and that their right to be formally notified of the disciplinary charges and right to be heard should be protected by preserving the status quo," said Henry Byansi, Program Manager at Chapter Four Uganda. "The cases further emphasized that the status quo to be maintained, in such circumstances, is the Applicants' status as students."

Today's ruling is concerning and risks setting a precedent that empowers universities and other institutions of higher learning to wantonly impose unfair administrative sanctions on students who exercise their constitutional rights to freedom of speech, assembly, and peaceful protest.

We will confer with our clients on the next course of action, including the possibility of appealing to the Court of Appeal to seek clarity on the legal issues raised.

For media inquiries, please contact: info@chapterfouruganda.org