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## Ugandan court rules for gays in outing case

by Rex Wockner

Bay Windows Contributor

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A Ugandan man reads the headline of the Ugandan newspaper "Rolling Stone" in Kampala, Uganda. Tuesday, Oct. 19, 2010, in which the papers reveals the identity of allegedly gay members of Ugandan society and calls for public punishment against those individuals. (Source: AP Photo )

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war against the rampage that threatens the future of our generation by hanging gays. 'Unless government takes a bold step by hanging dozens of homosexuals, the vice will continue eating up the moral fibre and culture of our great nation,' ... said a radical church leader who preferred anonymity."

Three people who were named sued the newspaper.

The High Court determined that the three suffered violations of their constitutional rights to life (Article 24) and to privacy of the person and the home (Article 27).

"[P]ublishing the identities of the applicants and exposing their homes coupled with the explicit call to hang them because 'they are after our kids,' the respondents extracted the applicants from the other members of the community who are regarded as worthy, in equal measure, of human dignity and who ought to be treated as worthy of dignity and respect," the court said. "Clearly the call to hang gays in dozens tends to tremendously threaten their right to human dignity. ... [T]he exposure of the identities of the persons and homes of the applicants for the purposes of fighting gayism and the activities of gays, as can easily be seen from the general outlook of the impugned publication, threaten the rights of the applicants to privacy of the person and their homes."

The court issued an injunction prohibiting publication of the identities and addresses of homosexuals and awarded each plaintiff 1.5 million shillings (\$643) in damages, and payment of their court costs.

The Civil Society Coalition on Human Rights and Constitutional Law in Uganda "applaud[ed]" the decision "as a landmark in the struggle for the protection of human dignity and the right to privacy."

The group said the newspaper's behavior was no doubt influenced by the "climate of fear" created by the pending "Anti-Homosexuality Bill 2009" in Uganda's parliament.

The legislation would imprison for life anyone convicted of "the offense of

Uganda's Kampala High Court ruled Jan. 3 that media outlets cannot out gays or urge that they be hanged.

The case stemmed from an October 2010 article in Uganda's *Rolling Stone* newspaper (no relation to the American publication of the same name) that published photos of 100 alleged homosexuals and suggested that gays could be hanged to discourage alleged recruitment of children.

The newspaper wrote: "The mighty *Rolling Stone* is glad to reveal some of the most horrible secrets in gay community, which is bent on recruiting at least one million members by 2012. Dishearteningly, gays are after young kids, who are easily brainwashed towards bisexual orientation. ... The leaked pictures of Uganda's top homosexuals and lesbians have renewed calls for the strengthening of the

homosexuality," punish "aggravated homosexuality" (repeat offenses, or having gay sex while being HIV-positive) with the death penalty, forbid "promotion of homosexuality" and incarcerate gay-rights defenders, and jail individuals in positions of authority for up to three years if they fail to report within 24 hours the existence of all LGBT people or sympathizers known to them.

"It is really time for the government to explicitly reassure all people in Uganda, wherever they come from, that they intend to protect people against threats and violence regardless of their real or alleged sexual orientation," said Chris Dolan, director of the Refugee Law Project at Makerere University, which is part of the coalition. "This important ruling goes at least some way in the right direction."

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