



THE 'KASHA V REV. LOKODO CASE': WHAT YOU NEED TO KNOW

October 2019



What is the case about?

The *Kasha v Rev. Lokodo* case is formally cited as *Kasha Jacqueline and 3 others Vs Attorney General & Rev. Fr. Simon Lokodo and Attorney General*, Civil Appeal No. 195 of 2014, seeks to challenge the decision of the High Court, which upheld the actions of the Minister for Ethics and Integrity, Rev. Fr. Simon Lokodo, in closing down an advocacy, leadership and business skills training workshop organised by Freedom and Roam Uganda (FARUG), an organisation working on the rights of Lesbian, Bisexual and Queer women. The Minister alleged that it was an illegal gathering of homosexuals. His actions were challenged by the organisers of the training. The High Court found the actions of the Minister justifiable on the grounds that the workshop was an illegality, as it was aimed at promoting same sex sexual practices, which are criminalised under section 145 of the Penal Code Act. Uncontented with this decision, the activists appealed against it in the Court of Appeal.

Why appeal?

It is important to appeal against the decision of the High Court because it constitutes bad legal precedent on freedom of expression, association and assembly for LGBTI persons in Uganda. This precedent has unfortunately been further relied on by the High Court to uphold the refusal of the Uganda Registration Services Bureau (URSB) to register an LGBTIQ-led organisation, Sexual Minorities Uganda (SMUG), which case is also currently on appeal on the same premise.

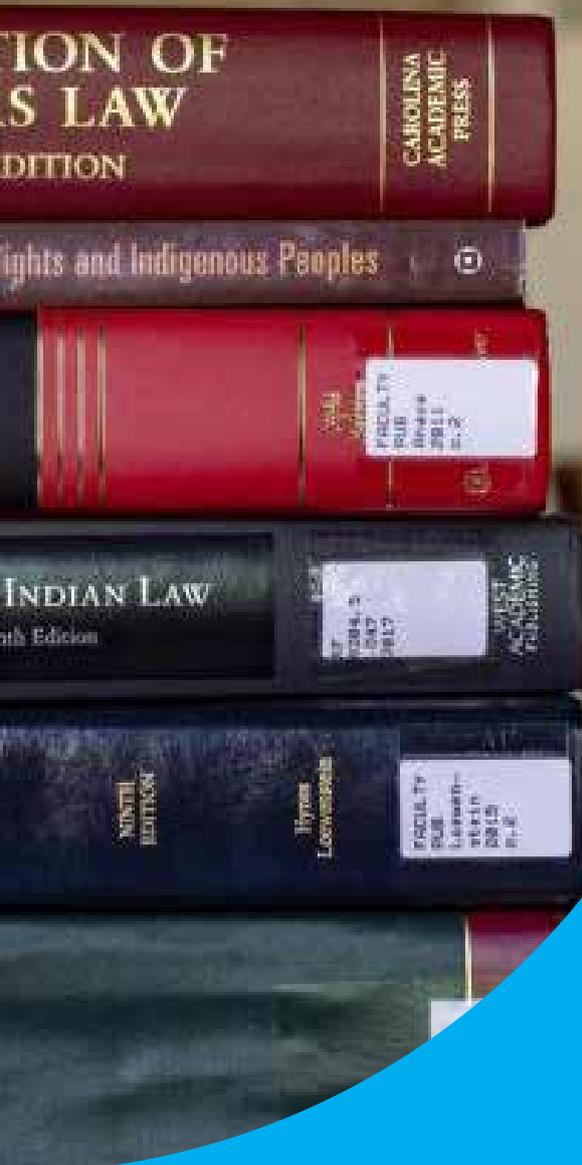
The appeal is on the grounds that the learned judge erred in fact and in law when he:

- Based his conclusion that the workshop was aimed at promoting same sex conduct on presumption and speculation rather than on concrete evidence.

- Failed to consider all the conditions that must be fulfilled for a limitation on human rights to be considered justifiable.

The decision's continued existence on court record has continued to narrow civic space and suffocate rights and freedoms for LGBTI persons in Uganda. The Minister for Ethics and Integrity has used it as a justification to disrupt various convenings that highlight issues pertaining to rights of LGBTI persons. Some of these include: The 2016 'Pride Week' beauty pageant; The 2017 'Pride Week' celebrations; The 2017 'Queer Film' festival; The 2018 and 2019 International Day Against Homophobia, Biphobia and Transphobia (IDAHOBIT) celebrations; The first ever Key Populations Conference that was set to be held in 2018; The 2018 National HIV





found at: <https://www.change.org/p/minister-of-ethics-and-integrity-hon-simon-lokodo-stop-the-violation-of-ugandan-lgbtq-freedom-to-peaceful-assembly>

- Widely share your story and experience of disruption of an LGBTI rights related convening on different media platforms, including social media; and encourage others as well to share theirs.
- Engage the local authorities in your area, and the general public on the human rights implications of disrupting convenings on LGBTI rights related issues through media, performing arts and other socially relatable forms of communication.

Prevention Symposium. Disruptions continue to be experienced at different convening's on LGBTI rights, organised by LGBTI- led organisations, partner organisations and service providers.

What can you do to support the appeal?

- Once the case is scheduled for hearing, attend court in large numbers, in solidarity and widely publicise the case.
- Sign an online petition to **'STOP'** the violation of Ugandan LGBTIQ rights to peacefully associate and assemble.' The petition can be





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