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Free Steven Monjeza and Tiwonge Chimbalanga

1. We have come here today to express our horror at the conviction and sentencing in Malawi of Steven Monjeza and Tiwonge Chimbalanga. These two men have been found guilty of gross indecency and unnatural acts and sentenced to fourteen years in jail, merely because they love each other. This sentence is an embarrassment to all Africans. The severity of the sentence confirms that a policy of discrimination and victimisation is being pursued in Malawi. We demand that the South African government put pressure on the Malawian government to release Steven and Tiwonge.
2. The Malawian Constitution states that the “dignity of all persons shall be inviolable.” Section 20 says, “Discrimination of persons in any form is prohibited and all persons are, under any law, guaranteed equal and effective protection against discrimination on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth or other status.” Section 21 of the Constitution guarantees the right to privacy.
3. Like the South African Constitution, the Malawian Constitution is an enlightened one. We support it and are therefore all the more shocked by this unjust conviction.
4. The continued incitement, in multiple African countries especially Zimbabwe, Malawi and Uganda, against gay, lesbian, bisexual and transgender people is a gross violation of human rights. In allowing this abuse to continue, the door has been opened to reverse and retard progress on all human rights, including the right to dignity and full social, legal and political equality for women, and freedom of expression and the media amongst others. More than ever, our continent needs sound governance that addresses inequality and poverty.
5. We are concerned that discrimination against gays and lesbians is a decoy by politicians and the organs of state to sustain and increase oppression, so that they can maintain power and not have to face the real problems of poverty and declining standards of living on the continent – problems which can only be addressed through an unwavering commitment to human rights, equality and justice.
6. As a leader on the continent with a Constitution that prevents unfair discrimination on the basis of sexual orientation and because of the successful struggles for justice that have marked our history, it is the duty of the South African government to speak out against the

imprisonment of Steven and Tiwonge.

7. Section 3 of South Africa's Refugee Act (1998) states that:

A person qualifies for refugee status for the purposes of this Act if that person-owing to a well-founded fear of being persecuted by reason of his or her race, tribe, religion, nationality, political opinion or membership of a particular social group (includes, among others, a group of persons of particular gender, sexual orientation, disability, class or caste);, is outside the country of his or her nationality and is unable or unwilling to avail himself or herself of the protection of that country, or, not having a nationality and being outside the country of his or her former habitual residence is unable or, owing to such fear, unwilling to return to it;

8. We therefore ask that you:

1. Issue a clear statement condemning homophobia and discrimination on the grounds of sexual orientation and gender anywhere;
2. Call on the Malawian government to issue a clear statement of regret and a commitment to make sure that the laws under which the men were sentenced will be repealed as soon as possible as they conflict with the Malawian constitutional commitment to defend of human rights;
3. Negotiate the release of Steven Monjeza and Tiwonge Chimbalanga;
4. Offer Steven Monjeza and Tiwonge Chimbalanga the opportunity to apply for asylum in South Africa;
5. Welcome asylum applications for other Malawians who are being persecuted on the basis of their sexuality, in accordance with the Refugee Act.

Signed:

Coalition to End Discrimination
Community Media Trust
Social Justice Coalition
Treatment Action Campaign
SECTION27 incorporating the AIDS Law Project