



I G L H R C

16 October 2006

Hon. Kiddhu Makubuya
Attorney General and Minister of Justice
Ministry of Justice and Constitutional Affairs
Parliament Avenue
P.O. Box 7183
Kampala, Uganda

Dear Hon. Makubuya:

I am writing to express my concern over the reported arrests of five men under Uganda's sodomy laws in the last few weeks. Mutayi Vincent and Safari Joseph (both arrested in Kibye), Evangelista Ariel Ramos and Hamis Ssentongo (both arrested in Mbare), and David Kamoga (originally held in Kirinya Prison) are being held on the basis of their presumed sexual orientation. The arrests of these men were reported in various Ugandan newspapers.

In *Toonen v Australia* (Communication No. 488/1992, U.N Doc CCPR/C/50/D/488/1992 (1994)) the right to freedom from unfair discrimination was interpreted by the Human Rights Committee to include discrimination on the basis of sexual orientation. This case also held that adult consensual sexual activity in private is covered by the concept of "privacy" as protected by Article 17(1). Thus, Articles 140, 141 and 143 of Uganda's Penal Code, which are used against same-sex practicing adults in Uganda, are a violation of the ICCPR.

The United Nation Working Group on Arbitrary Detention has recently reaffirmed that the detention of men and women for consensual same-sex acts constitutes an arbitrary deprivation of liberty contrary to the ICCPR and has called for the repeal of laws which allow such arrests.

I respectfully urge you to immediately release the men and to dismiss all charges against them. We would also ask for information on the current whereabouts and conditions of detention of these individuals. Furthermore, we request that your government take steps for the repeal of the relevant articles of the Penal Code.

Respectfully,

Paula Ettelbrick
Executive Director

Cc: Uganda Embassy, Washington D.C.
US Embassy, Kampala
UK Embassy, Kampala
South Africa Embassy, Kampala

International Gay and Lesbian Human Rights Commission

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