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Detained gay couple will face trial in Malawi

The two men were arrested in December at their home in Blantyre, Malawi, for professing love and marriage in the traditional way. Police discovered the couple when local newspapers reported on their engagement ceremony, known as a chinkhoswe.

Now, Steven Monjeza and Tiwonge Chimbalanga face up to 14 years in jail in a case that human rights activists say is a test case for gay rights, as well as one that could undermine efforts to curtail Malawi's devastating HIV infection rates.

The two men stand accused of "unnatural offenses" and "indecent practices between males" under sections 153 and 156 of Malawi's criminal code. This week, a judge ruled that Monjeza, 26, and Chimbalanga, 20, must face a full trial scheduled to begin April 6.

"This ruling is the most recent in a line of deeply troubling decisions and actions by the Malawian authorities in this case," said a statement from Chivuli Ukwimi of the International Gay and Lesbian Human Rights Commission's office in Cape Town, South Africa.

After their arrest, Monjeza and Chimbalanga were denied bail. In early January, they were subjected to medical examinations intended to find

evidence of sodomy, according to Human Rights Watch. They also underwent psychiatric evaluations.

All the examinations were conducted without the consent of the men, said Human Rights Watch. The exams violated the rights of the two men protected under Malawi's constitution, regardless of gender or sexual orientation, said Monica Mbaru, Africa program coordinator for The International Gay and Lesbian Human Rights Commission (IGLHRC).

Their lawyers told Human Rights Watch that Monjeza and Chimbalanga are being verbally abused and possibly beaten, and that they are not receiving adequate food and other necessities.

Homosexuality is illegal in Malawi - as it is in most African nations - and government officials have said they are simply upholding the law. But one of the lawyers for the two men, Feliz Tandwe, said that Section 20 of Malawi's constitution - adopted in 1994 - provides equality for all citizens and prohibits discrimination.

Tandwe said that any law that does not conform with the constitution is invalid. "I'm very hopeful of the outcome," he said.

The arrests have sparked international outcry from global rights organizations.

Earlier this year, Human Rights Watch sent a letter to Malawi's government, accusing it of threatening citizens' fundamental rights.

"Prosecuting two adults just because they affirm their love is a terrible injustice," said Dipika Nath, researcher in the lesbian, gay, bisexual, and transgender rights program at Human Rights Watch. "To subject individuals to spurious medical examinations against their will shows grave disregard for their fundamental human rights, as well as for the public welfare."

Mbaru said the case has far reaching consequences in a nation - like so many others in Africa - struggling to overcome HIV and AIDS while

enforcing harsh punishment for at-risk gay men engaging in sodomy.

The AIDS epidemic is responsible for eight deaths every hour in Malawi, according to Avert, a U.K.-based international HIV and AIDS charity. One million of Malawi's nearly 14 million people were living with HIV at the end of 2007.

Post by: [CNN's Moni Basu](#)

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1. *jane doe*

I am glad they were arrested. Homosexuality needs to be an illegal practice in the whole world.

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2. *Musemistress of Perth*

I suspect that the government and/or the citizens have not heard that Aids is not spread by being gay, it's spread by sex.

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3. *jophet*

I am a Nigerian, a typical African and a man who believes in modesty and decency. I will never belong to that school of thought that have mentally enslaved themselves with every western culture whether good or bad. I hate to hear anything homosexual, it is completely unnatural and indecent. I don't necessarily need to be a christian, muslin, pagan, lawyer or even a human rights activist in order to differentiate a norm from moral decadence. I am completely in agreement with the Malawian Government policy on homosexuals.

Just because Gays and Lesbians are seen in the western world as normal human beings does not give them the same status here in Africa. Am really sorry for South Africa for allowing the establishment of International Gay and Lesbian Human Rights Commission in their country. To say that a practice is normal just because it does not run contrary to a constitution is a useless argument – a father having sex with the daughter is "normal" just because it is not unconstitutional. If the issue of legalizing homosexual activities had originated from Africa the Western world would have called Africans unprintable names, but because the reverse is the case it' is being glorified.

Jophet Idama (Yaba, Lagos)

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