

RAISING THEIR VOICES: Supporters of the NGO People Opposed to Woman Abuse demonstrating outside the Johannesburg High court against former ambassador to Uganda Jon Qwelane who is being prosecuted for hate speech
Picture: ALAISTER RUSSELL



Qwelane's bigotry not hate speech, lawyer tells court

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FORMER journalist and ambassador to Uganda Jon Qwelane's 2008 Sunday Sun column criticising same-sex marriage was offensive but not hate speech.

This was the argument Qwelane's lawyer, Musatondwa Musandiwa, started outlining yesterday in the Johannesburg High Court.

Musandiwa was defending Qwelane in respect of the column he penned in 2008, which the SA Human Rights Commission found amounted to hate speech.

In the column, Qwelane suggested that the constitution's acceptance of

gay marriage would lead to "some idiot [demanding] to marry an animal". The column also endorsed Zinhabwean President Robert Mugabe's stance against homosexuality.

The Human Rights Commission litigated against Qwelane after he failed to apologise for his comments. The case went ahead yesterday despite Qwelane being in hospital.

Musandiwa asked the commission's head of legal services, Pandelis Gregoriot, how the commission could have concluded that Qwelane's column constituted hate speech when the SA Press Council had found that it did not.

"His views are offensive," Musa-

ndiwa said. "That's not in dispute. But if you go back to the Press Council's ruling the view is that it is robust language, not hate speech."

He asked Gregoriot why Media24 was not being prosecuted for the column's publication.

"He was an employee at Media24. You withdrew the action against Media24. Should you not also have withdrawn the action against Qwelane?"

Advocate for the SAHRC Tembeka Ngcukaitobi said: "One must take into consideration that dehumanisation has a distinct ability to justify physical violence."

The case continues today when Powa's executive director will testify.