

**THE REPUBLIC OF UGANDA**

**IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA**

**CONSOLIDATED CONSTITUTIONAL PETITIONS NO. 14, 15, 16 & 85 OF 2023**

1. HON. FOX ODOI-OYWELWO
  2. FRANK MUGISHA
  3. PEPE ONZIEMA
  4. JACKLINE KEMIGISA
  5. ANDREW M. MWENDA
  6. LINDA MUTESI
  7. KINTU NYAGO
  8. JANE NASHIMBWA
  9. PROF. SYLVIA TAMALE
  10. DR. BUSINGYE KABUMBA
  11. SOLOME NAKAWEESI KIMBUGWE
  12. KASHA JACQUELINE NABAGESERA
  13. RICHARD SMITH LUSIMBO
  14. ERIC NDAULA
  15. WILLIAMS APAKO
  16. HUMAN RIGHTS AWARENESS & PROMOTION FORUM (HRAPF)
  17. ADV. RUTARO ROBERT
  18. MUSHIME ALEX MARTIN
  19. MUTEBI EDWARD
  20. NABUYANDA JOHN SOLOMON
  21. LET'S WALK UGANDA LTD
  22. BISHOP JAMES LUBEGA BANDA ::::::::::::::::::::::::::::::::::: PETITIONERS
- VERSUS**

1. ATTORNEY GENERAL
2. PASTOR MARTIN SEMPA
3. ENG. STEPHEN LANGA
4. FAMILY LIFE NETWORK LIMITED ::::::::::::::::::::::::::::::::::: RESPONDENTS

**AND**

**THE SECRETARIAT OF THE JOINT UNITED NATIONS  
PROGRAMME ON HIV/AIDS (UNAIDS) ::::::::::::::::::::::::::::::::::: AMICUS CURIAE**

**NOTICE OF APPEAL**

**TAKE NOTICE** that the above-named PETITIONERS, being dissatisfied with part of the decision of the Honourable Justices Richard Buteera DCJ; & Geoffrey Kiryabwire, Muzamiru Mutangula Kibeedi, Monica Kalyegira Mugenyi & Christopher Gashirabake, JJCC) given at the Constitutional Court of Uganda sitting at Kampala on the 3<sup>rd</sup> day of April 2024, intend to appeal to the Supreme Court of Uganda at Kampala, against part of the decision as decided that;

1. The Anti-Homosexuality Act, 2023 was not passed in violation of Article 92 of the Constitution.
2. The Private Member's Bill introducing the Anti-Homosexuality Act, 2023 did not violate Article 93(a)(a)(2) of the Constitution.
3. There was meaningful and adequate participation of the public during the enactment of the Anti- Homosexuality Act, 2023 in accordance with Objective II (1) of the National Objectives and Directive Principles of State Policy and Articles 1, 2(1) and 2(2), 8A, 20, 36, 38, 79 of the Constitution.
4. The conduct of the Speaker of Parliament while enacting the Anti-Homosexuality Act, 2023 was not inconsistent with, and in violation of Articles 2(1) and (2), 89(1) and (2) of the Constitution
5. Sections 6,7, 11(1)(2)(a) (b) (c) & (e), & 15(1) & (2) of the Anti-Homosexuality Act, 2023 are not inconsistent with Article 28(12) of the Constitution.
6. Sections 1,2(1) -(4), 3(1) & (2)(d) -(f), (h), (j), (3) & (4), 5(2), 6, 12,13 & 16 of the Anti-Homosexuality Act, 2023 are not inconsistent with the right to equality and freedom from discrimination guaranteed under Articles 21(1), (2), (3) & (4), 32(1), 43(2)(c) & 45 of the Constitution.
7. Section 2(1) -(4), 3(1), 2(d)-(f), (h) & (j), (3) & (4), 5(2), 6, 12, 13(1), and 16 of the Anti-Homosexuality Act, 2023 are not inconsistent with the right to human dignity and protection from inhumane and degrading treatment guaranteed under Articles 24 & 44(a) of the Constitution.
8. Sections 2(1) -(4), 3(1), (2)(d) -(f), (h) & (j), (3) & (4), 4, 5(2), 6, 11(1), (2) (a) - (c) & (e), (3) and of the Anti-Homosexuality Act, 2023 are not inconsistent with the right to privacy of a person, home, correspondence, and other property guaranteed under Articles 26(1), 27(1) & 43(2)(c) of the Constitution.
9. Sections 2(1) -(4), 3(1), 2(d)-(f), (h) & (j), (3) & (4), 5(2), 6, 7, 11(1), (2)(e) and (3) of the Anti-Homosexuality Act, 2023 are not inconsistent with the right to freedom of speech, expression, thought, conscience, belief and religion guaranteed under Articles 29(1)(a), (b) and (c) and 43(2)(c) of the Constitution.
10. Sections 11(2)(c) and (e) of the Anti-Homosexuality Act, 2023 are not inconsistent with the right to freedom of association and civic participation guaranteed under Articles 29(1)(e), 38 and 43(2) of the Constitution.
11. Sections 2,3, 11(1), 2 (a)-(c) & (e), (3), 12, 13, of the Anti-Homosexuality Act 2023 are not inconsistent with the right to practise one's profession, carry on lawful occupation, trade, or business under Article 40(1) and (2) of the Constitution.
12. Section 11 (1) of the Anti-Homosexuality Act, 2023 is not inconsistent with the right to access to health services, decent shelter, right to property and other general social justice and economic development guaranteed under Objectives XIV and XX of the National Objectives and Directive Principles of State Policy and Articles 8A, 26, 45 and 287 of the Constitution.

13. The limitations on the enjoyment of fundamental rights and freedoms imposed by the impugned Sections of the Anti-Homosexuality Act, 2023 are demonstrably justifiable in a free and democratic society.

AND when they;

14. Considered and resolved matters that had not been conversed by the parties and thereby arriving at a wrong conclusion.
15. Failed to properly evaluate the evidence on court record and relied on inadmissible evidence thereby arriving at a wrong conclusion.
16. Relied on hearsay evidence on recruitment of children into homosexuality thereby arriving at a wrong conclusion.
17. Denied the Petitioners all the remedies sought

The addresses of service of the Appellants are;

1. Akampumuza & Co. Advocates  
Plot 4, Pilkington Road,  
Colline House, 3<sup>rd</sup> Floor, New Tower  
P.O. Box 35572, Kampala, Uganda
2. Onyango & Co. Advocates  
Plot 182, House B, Bunga, Ggaba Road,  
P.O. Box 35881, Kampala, Uganda
3. Human Rights Awareness and Promotion Forum  
Plot 1 Nsubuga Road, off Ntinda-Kiwatule Road,  
Ntinda, Kampala  
P.O. Box 25603, Kampala, Uganda
4. Elgon Advocates  
Buganda Road Flats, Block 667/E,  
2<sup>nd</sup> Floor, Left Wing, Buganda Road  
P.O. box 106812, Kampala, Uganda
5. M/S Tumukunde & Co. Advocates  
Plot 21 Kakungulu Road, Ntinda  
Opp. UNEB Offices,  
P.O. Box 30931, Kampala, Uganda
6. Sage Advocates  
Plot 32, Lumumba Avenue,  
Padre Pio House, 5<sup>th</sup> Floor, Left Wing,  
P.O. Box 29729, Kampala, Uganda

It is intended to serve copies of this notice on;

1. Attorney General,  
Attorney General's Chambers,  
Bauman House, Parliament Avenue  
P.O.BOX 7183,  
Kampala-Uganda
2. Martin Sempa  
C/o M/s Thomas and Michael Advocates,  
Plot 127 Muteesa II Road, Ntinda,  
Kampala-Uganda
3. Eng. Steven Langa and Family Life Network,  
C/o M/s Sekabanja and Co. Advocates,  
Plot 7, Kampala Road,  
P.O. BOX 2064  
Kampala-Uganda

Dated this 12<sup>th</sup> day of April, 2024

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COUNSEL FOR THE 1<sup>ST</sup> - 8<sup>TH</sup> INTENDED APPELLANTS

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COUNSEL FOR THE 9<sup>ND</sup> - 16<sup>TH</sup> INTENDED APPELLANTS

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COUNSEL FOR THE 17<sup>TH</sup> - 21<sup>ST</sup> INTENDED APPELLANTS

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COUNSEL FOR THE 22<sup>ND</sup> INTENDED APPELLANT

**LODGED** in the **CONSTITUTIONAL COURT** at Kampala this 16<sup>th</sup> day of  
April 2024.

Henry (16th/04/2024)  
**REGISTRAR**