

**IN THE EQUALITY COURT OF JOHANNESBURG HELD AT THE
JOHANNESBURG MAGISTRATE'S COURT**

CASE NUMBER: 44/EQ JHB

IN THE MATTER BETWEEN:

SOUTH AFRICAN HUMAN RIGHTS COMMISSION COMPLAINANT

AND

JON QWULANE RESPONDENT

JUDGMENT

1. This is an application for judgment by default in terms of Rule 32 of Act 32 of 1944. The court finds that there has been proper service on the respondent. The respondent was not in attendance at court. The complainant relied on the founding affidavit and argued the matter.

2. The complaint is undefended. The respondent has filed no papers. In the circumstances there is only one version before court. It is that of the complainant. The court is not going to repeat the argument presented as it already forms part of the record. This argument is accepted.

3. In the totality of the submissions tendered by the complainant the court finds the following:

3.1 The complainant has the necessary *locus standi* to institute these proceedings.

A handwritten signature or mark in black ink, consisting of several loops and a vertical stroke, positioned to the right of the page number.

3.2 This court has the necessary jurisdiction to adjudicate this matter.

3.3 The contents of the article and cartoon amount to hate speech.

3.4 The article and cartoon propagates hatred and harm against homosexuals. Homosexuals as represented by the complainant have suffered emotional pain and suffering as a result of the action of the respondent.

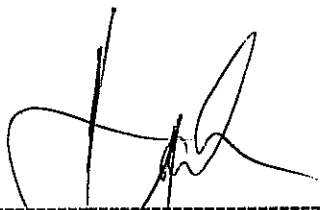
4. The court therefore grants judgment in favour of the complainant as follows:

4.1 The respondent is ordered to make an unconditional apology to the gay and lesbian community. Such apology is to be published in the Sunday Sun as well as one other national newspaper.

4.2 Damages in an amount of R100 000-00 is granted. Such amount is to be paid to the complainant and to be used to promote and raise awareness regarding the rights of gays and lesbians.

4.3 No costs are ordered.

DATED AT JOHANNESBURG THIS THE 31ST DAY OF MAY 2011.



**N.M. KARIKAN
ADDITIONAL MAGISTRATE (EQUALITY COURT)
JOHANNESBURG**