



Deponent:	J.S. JAGHAI
Affidavit No:	4 TH
Exhibit:	0
Sworn to:	August 2014
Filed on:	August 2014

**AFFIDAVIT OF JAVED SAUNJA JAGHAI INDICATING REASONS FOR
WITHDRAWAL FROM CLAIM**

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

IN THE CIVIL DIVISION

CLAIM NO.

2013 HCV 00650

**IN THE MATTER OF THE CONSTITUTION OF
JAMAICA**

AND

**IN THE MATTER of an Application by JAVED
SAUNJA JAGHAI, alleging the infringement
of his rights under sections 13(3)(j)(ii), 13(3)(g)
and 13(3)(i)(i) of the Charter of Fundamental
Rights and Freedoms (Constitutional
Amendment) Act, 2011**

AND

**IN THE MATTER of an Application by JAVED
SAUNJA JAGHAI for constitutional redress
pursuant to section 19 of the said Charter**

BETWEEN JAVED SAUNJA JAGHAI

1st Claimant

AND

J-FLAG MANAGEMENT COMPANY LTD

Added Claimant

AND

THE ATTORNEY GENERAL OF JAMAICA

Defendant

AND

THE CHURCHES	1st Interested Party
MEMBERS OF CHRISTIANS FOR TRUTH AND JUSTICE	2nd Interested Party
JAMAICA COALITION FOR A HEALTHY SOCIETY	3rd Interested Party
HEAR THE CHILDREN'S CRY LTD	4th Interested Party
LAWYERS' CHRISTIAN FELLOWSHIP	5th Interested Party
REPRESENTATIVES OF CARIBBEAN DAWN	6th Interested Party

I, **JAVED SAUNJA JAGHAI**, being duly sworn make oath and say as follows:

1. I reside and have my true place of abode at [REDACTED] in the parish of Saint Andrew.
2. I am the Claimant in this matter. I am a gay rights activist and a gay man.
3. I initiated this claim in February of 2013 in order to challenge the constitutionality of sections 76, 77 and 79 of the Offences Against the Person Act. I believed, and still do, that these laws infringed and continue to infringe my rights to privacy and equality before the law as protected by the Charter of Fundamental Rights and Freedoms. My claim has been going on for over a year now and after extensive reflection, I have come to realize

that it would be impossible for me to continue with it. My reasons for withdrawing from my claim are as follows:

4. Since filing this claim I have become aware of the following incidents from the media:

- i) 22 July, 2013: 16 year-old Dwayne Jones was stabbed, shot, run over by a car, and subsequently dumped in a nearby ditch for wearing a dress to a public street dance in Montego Bay. No one has been arrested for this murder.
- ii) Aug 1, 2013: A mob attacked a police officer in downtown Kingston because they accused him of being gay. He had to be rescued by other officers firing shots in the air and teargas into the crowd.
- iii) Aug. 1, 2013: A mob attacked the home of two gay persons in St. Catherine. They too had to be rescued by police.
- iv) Aug. 10, 2013: A mob attacked a cross-dresser in St. Catherine. The police again had to rescue the individual.
- v) Aug. 22, 2013: A mob attacked five allegedly gay men, who were trapped in their house in Green Mountain until police arrived and escorted them to safety.
- vi) Aug. 26, 2013: A mob surrounded two allegedly gay men who were involved in a minor traffic accident in Old Harbour, St. Catherine. A member of the mob said that homosexuality might be acceptable elsewhere, but not in Old Harbour. The men had to flee into a nearby police station to escape harm.
- vii) Oct. 8, 2013: A mob firebombed the abandoned building in Montego Bay which was the former home of murdered teen, Dwayne Jones, and where his surviving friends continued to live.
- viii) June 14, 2014: A mob attacked a young man at a shopping mall in May Pen, Clarendon because he was allegedly seen putting on lipstick.
- ix) June 29, 2014: There was a massive anti-gay protest in Kingston with allegedly 25,000 people in attendance.

5. Jamaica is a very small society with many intolerant individuals, who regularly harm unsuspecting others for choosing to live in a way that displeases them. The incidents referred to above merely confirm what is known to be norm in Jamaica. This sort of intolerance expressed towards gay people plus the several media reported attacks on gay men between 2013 and now, have made me extremely fearful. While I have never been harmed physically, I have been threatened enough times to know that I am vulnerable. I know as well that my loved ones are under threat and they are fearful for my safety. Though the cause and the case are noble, I am no longer willing to gamble with my life or the lives of my parents and siblings.

6. My family is currently attending to the urgent medical needs of my sister, who is struggling with a life threatening illness. My participation in the case and the attendant social consequences places an extra burden on us that I cannot justify at this time.

7. I am very concerned that this case could well go into 2015 or later given consistent delays. If this matter should be taken to the next level, which my lawyers have suggested is a likely outcome, then we can expect another few years of deliberations. That is another few years of always looking over my shoulders for the next possible threat to my physical safety and that of my family. The psychological impact of this has been insufferable so far and will surely continue due to the high profile nature of this case.


8. For all the reasons explained above, I feel like I have no choice but to discontinue this claim.

9. The facts and matters deposed to herein are within my own personal knowledge true and correct, except where otherwise stated to be on information or belief, in which case I verily believe the same to be true and correct.

SWORN TO by the SAID)

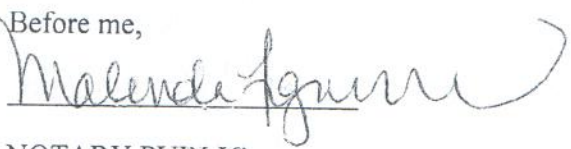
JAVED SAUNJA JAGHAI)

At State of Connecticut
County of New Haven)



JAVED SAUNJA JAGHAI

On the 21st day of August 2014)

Before me,


NOTARY PUBLIC
MALINDA FIGUEROA
NOTARY PUBLIC
MY COMMISSION EXPIRES DEC. 31, 2017

Filed by ANIKA GRAY of 2 Cane Palm Drive, Palms of Portmore, Portmore, St. Catherine
whose telephone numbers are 472-6601 Attorney-at-law for and on behalf of the CLAIMANT

State of Connecticut
Office of the Secretary of the State
Certificate of Appointment as a Notary Public

Pursuant to the authority vested in me, be it known that

MALINDA FIGUEROA

has been duly appointed as a Notary Public within and for the State of Connecticut, with full authority to perform and exercise the duties incident to said office for a period commencing on the date hereof and terminating on the expiration date of this certificate, unless said appointment is sooner revoked.

In Testimony Whereof I have caused this certificate to be issued under the seal of the Secretary of the State, at Hartford, Connecticut.



Secretary of the State



Deputy Secretary of the State

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Connecticut; and that I will faithfully discharge, according to law, the duties of the office of Notary Public to the best of my ability. So help me God.


Signature of MALINDA FIGUEROA

Subscribed and sworn to before me this 26th day of November 2012.


Signature and Title of Officer

Recorded in the Notary Public
Records of the Town of New Britain
on the 26 day of November 2012.

Date Appointed: 01/01/2013 Expiration Date: 12/31/2017

Account Number: 150495 Fee Paid: \$60.00 Reissue Date: RN