Don’t bother locking up your daughters, just lock up black men with HIV

August 3, 2011 By Edwin Bernard

Johnson Aziga, 55, an African migrant living with HIV, is a now officially a “dangerous offender” according to Canadian criminal law.

Mr Aziga is already considered a “murderer” two times over. He was convicted in 2009 of two counts of first-degree murder, ten counts of aggravated sexual assault and one count of attempted aggravated sexual assault, because he had unprotected sex with eleven women without telling them he had HIV. Seven of the women subsequently tested HIV-positive, and two died of AIDS-related cancers within a couple of years of having had sex with Mr Aziga.

[A number of articles and blog posts on Mr Aziga’s trial - and the media’s reaction to it - can be found on my blog.]

Being a “dangerous offender” means he will likely remain in prison for the rest of his life - even in the unlikely event that his life sentence without the possibility of parole for 25 years for the murder convictions is overturned on appeal. [The whole “dangerous offender” process is considered by some legal experts to be discriminatory and “dangerous” because "putting the onus on criminals makes it too easy for the court system to declare people dangerous offenders.]

Johnson Aziga would have been at least 78 years old if he had been able to be considered for release after 25 years. And yet, somehow, the Canadian legal system considers that at this age, Mr Aziga’s libido would be so voracious, his appeal so alluring to Canada’s heterosexual female population, that he must be locked up for life.

Mr. Aziga’s sex drive “is head and shoulders above” the average man’s and “knowing his need for sex is not going to be satisfied” could deter him from disclosing his HIV status to potential partners, [Crown attorney

Karen Shea argued]. “He didn’t abstain from sex knowing what he knew (about having HIV), he didn’t discuss his HIV status knowing what he knew and he didn’t wear a condom knowing what he knew,” she told the court.

I am the only person that sees this as absurd - as both racist and HIV-phobic?

The legal characterization of men of African origin with HIV as ’monstrously’ hypersexual is not new. Back in 1993, Canada tried to convict Charles Ssenyonga of similar ’crimes’ (His ’victims’, like Aziga’s, were all white women; his virus, like Aziga’s, a “rare African strain”.) Ssenyonga died before the trial concluded. The prosecution (and media’s) focus on his hypersexual Africanness was explored in a fabulous 2005 article by James Miller, ’African Immigrant Damnation Syndrome: The Case of Charles Ssenyonga’ published as part of a special issue of the social science journal, Sexuality Research & Social Policy called ’Reckless Vectors: The Infecting “Other” in HIV/AIDS Law.’

In the introduction by the journal’s editors Heather Worth, Cindy Patton, and Diane Goldstein, they highlight the issue of racism in HIV criminal cases.

...the fact that the accused is African is used to indicate *a priori* an excessive and lethal sexuality and to position Africa itself as a deviant and viral continent and as the source and cause of AIDS. This prejudice extends to successive generations of African immigrants, as can be seen in the case of Nushawn Williams, an African American man from upstate New York. The same focus on Williams’ Black, eroticized body is evident in the numerous media accounts of the case.

Interestingly, Nushawn Williams is currently going through exactly the same process as Mr Aziga, having already served the maximum sentence of 12 years for the 'crimes' he pleaded guilty to back in 1998. Back in May 2010, a New York State Supreme Court judge ruled that Mr Williams "poses a danger to society and as a result, must remain behind bars even though his sentence is complete." He is now awaiting the outcome of his civil confinement hearing that has been delayed for almost a year.

Mr Aziga and Mr Williams are being punished twice over. The idea that society is protected from HIV by keeping them in prison indefinitely is erroneous and outrageous. In the past men used to "lock up their daughters" when a man of purported huge sexual prowess came sniffing around, as if their female offspring did not have a sexuality or a choice in whether or not to have sex with their suitor.

Now, society locks up "HIV monsters" because it thinks female members of society need protecting from them, as if they did not have a sexuality or a choice in whether or not to have sex with their suitor.

But the real problem is that focusing on Black or African HIV (in the guise of Aziga or Williams) creates a false sense of security because all sex comes with risks of HIV infection (and these risks are usually much higher from someone with HIV who is undiagnosed, and therefore unable to disclose).

Wouldn't it be better - and more cost-effective - to spend some money on HIV prevention education for the general public, so that white heterosexual women, and others who think that they are not at risk for HIV because they haven't been targeted with HIV prevention information (usually aimed at 'key populations' like gay men and Black or African communities) can learn how to protect themselves from HIV rather than foolishly relying on the criminal law to protect them after the fact?

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