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His Excellency
President Paul Biya
President of the Republic of Cameroon
Office of the President
P.O. Box 100
Yaoundé
Republic of Cameroon

21 September 2011

Open letter to His Excellency Paul Biya, President of the Republic of Cameroon

LAWS CRIMINALIZING SAME-SEX SEXUAL CONDUCT VIOLATE INTERNATIONAL HUMAN RIGHTS LAWS

Your Excellency

We write to express serious concern about the increased use of criminal laws to punish consensual same-sex relations between adults and non-normative gender expression in Cameroon in recent months.

In the last six months, at least ten individuals in Yaoundé and Douala have been arrested under Article 347(a) of the Cameroonian Penal Code. This Article criminalises “sexual relations with a person of the same sex”.

- Jean-Claude Roger Mbede was arrested in Yaoundé on 2 March 2011; he was convicted and sentenced to three years' imprisonment on 28 April 2011. He is being held at Kondengui Central Prison in Yaoundé.
- Two men, Jonas, aged 19, and Frankie, 25, were arrested in Yaoundé on 25 July 2011. They remain in custody at Kondengui Central Prison.
- Four men were arrested in August 2011. One man, Joseph Magloire Ombwa, aged 46, was arrested at his home; two others – Sylvain Séraphin Ntsama, aged 34, and Emma Loutsi Tiomela, aged 17 – were arrested when visiting Ombwa, who was then in custody at a police station in Yaoundé; a fourth, Nicolas Ntamack, aged 19, was arrested at the home of Ntsama. We received information that Ombwa was subjected to an anal examination by a military medical doctor. The four men were denied bail and remanded in custody on 26 August.

- Stéphane Nounga and another man only identified as Eric O. were arrested in late August after they were tricked into meeting a man who dragged them to a nearby police station in Yaoundé where they were detained. Both men were subsequently released after the intervention of lawyers.
- Jean Jules Moussongo was arrested in Douala on 6 September after the parents of a young man asked gendarmes to arrest him for allegedly seeking contact with their son. Moussongo was released on 8 September after the respective parents of the two men apparently reached an arrangement.

We have received information that at least some of these men were subjected to torture or other ill-treatment whilst in custody.

Furthermore, many of the individuals detained have been targeted on the grounds of their perceived sexual orientation, rather than on any alleged participation in prohibited acts. As the 2010 report documenting rights violations of lesbians, gay men, and bisexual and transgender people, *Criminalizing Identities: Rights Abuses in Cameroon based on Sexual Orientation and Gender Identity*, shows, individuals charged and convicted under Article 347(a) face increased threat of violence and discrimination in prison, and their health can be severely compromised because of the abuse and the lack of access to medication and treatment.

Article 347(a) contravenes the international and regional human rights treaties which Cameroon has signed and ratified, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights. In addition to creating a climate of fear and allowing police to detain, torture and beat suspected lesbian, gay, bisexual or transgender individuals with impunity, this law impedes health initiatives, particularly around HIV and AIDS, that attempt to reach vulnerable groups, including men who have sex with men, by driving individuals underground and making it harder for them to access safer sex information and services.

We are also concerned about reports of proposed legislation to increase the penalty for same-sex sexual acts to 15 years imprisonment and a fine of two million francs CFA. Such a move will further increase the vulnerability of members of the lesbian, gay, bisexual and transgender community to violence and discrimination by state and non-state actors.

We therefore urge the Cameroonian Government to:

- Immediately and unconditionally release, and drop all charges against, all individuals detained under Article 347(a) or detained solely because of their real or perceived sexual orientation or gender identity;
- End arrests, detention, prosecution and other forms of persecution and discrimination against people suspected or known to be gay, lesbian, bisexual or transgender;
- Repeal all legislation criminalizing consensual same-sex sexual acts between adults and withdraw proposals for new legislation that would increase the penalties for consensual same-sex sexual acts.

We look forward to receiving your response.

Yours sincerely,

Parfait Behen
President
Alternatives Cameroun

Claudio Cardone

For Salil Shetty
Secretary-General
Amnesty International



Alice Nkom
Executive Director
L'Association pour la Défense des Droits des Homosexuel(le)s (ADEFHO)



Kenneth Roth
Executive Director
Human Rights Watch



Cary Alan Johnson
Executive Director
International Gay and Lesbian Human Rights Commission