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Cameroon urged to overhaul laws criminalizing gay relationships

Laws criminalizing consensual same-sex relationships must be repealed by the Cameroonian government, Amnesty International said as it called for the release of those currently in prison for homosexuality.

"It is time to end the arrest, detention, prosecution and other forms of persecution and discrimination against people perceived or known to be gay, lesbian, bisexual or transgender," said Erwin van der Borgh, Amnesty International's director for Africa.

Since March 2011, 17 people in Cameroon have been arrested for allegedly practising homosexuality.

Most have been targeted on the grounds of their perceived sexual orientation, rather than on any alleged participation in prohibited consensual acts. In virtually no cases have the police or other eyewitnesses claimed to have seen the alleged homosexual acts.

Jean-Claude Roger Mbede was sentenced to three years in prison for homosexuality in April 2011. The hearing of his appeal was due to take place today but he was not brought to court. The date has now been pushed back to 19 March when the appeal court is expected to decide whether to grant his application for provisional release. The hearing had already been adjourned twice. Three other men, were sentenced to five years' imprisonment in November 2011.

"Jean-Claude Mbede is a prisoner of conscience held solely because of his perceived sexual orientation. All charges against him should be dropped and he should be released immediately," said Erwin van der Borgh.

"Others who are being held because of their real or perceived sexual orientation or gender identity must also be freed unconditionally."

Mbede was arrested on 2 March 2011 by members of the Secretary of State for Defence (SED) security service while meeting a male acquaintance.

On 28 April a court (Tribunal de première instance) in the capital Yaoundé found him guilty of homosexuality and attempted homosexuality, sentencing him to three years' imprisonment.

He has appealed against the verdict on the grounds that the law requires that the defendants be caught in the act, which he was not. He is currently held at Yaoundé's Kondengui central prison.

More recently, in February 2012, three women were arrested in Ambam in southern Cameroon on suspicion of engaging in same-sex conduct.

Two of the women who reportedly did not deny having same-sex relations were charged with practising homosexuality.

They were also charged with defaming a third woman whose husband reported their relations to the authorities. They have been granted provisional release and the court in Ambam has set the hearing of their case for 15 March 2012.

Like Jean-Claude Mbede, the women were not caught in the act but charged on the basis of a denunciation by a third party.

All detainees are held under Section 347a of the Cameroonian Penal Code which states that "Whoever has sexual relations with a person of the same sex shall be punished with imprisonment from six months to five years and with a fine ranging from 20,000 Francs CFA to 200,000 Francs CFA" (approximately 35 to 350 US dollars).

"Laws criminalizing same-sex sexual conduct violate a raft of regional and international human rights laws," said Erwin van der Borgh.

"This law has created a climate of fear and allows police to arbitrarily detain and imprison suspected lesbian, gay, bisexual or transgender individuals where they are at times subjected to torture and other forms of ill-treatment with impunity.

"Persecution and prosecution of people accused of homosexuality 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 information and services."

Public Document

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