

# PETITION



To: President HE Mr Michael Sata, Office of the President, PO Box 30208, Lusaka, Zambia

## Two men on trail for „unnatural“ sex

Your Excellency,

It is with deep concern that I have read about the detention of **Phil Mubiana** and **James Mwansa**. These two 21-year old men were arrested in the village of Ndeke (in Kapiri Mposhi) on May 6 on the grounds of real or perceived sexual orientation and have been denied bail. I believe they are currently being held at Mpima Remand Prison in Kabwe.

May I point out that the arrest of anyone for their real or perceived sexual orientation amounts to discrimination and is a violation of the rights to freedom of conscience, expression and privacy. Laws criminalising homosexuality and gender identity criminalise the legitimate exercise of these rights, which are protected in treaties ratified by Zambia, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights. Therefore, **I call for the immediate and unconditional release of these two men.**

In addition, I ask for investigations to be ordered immediately into allegations that government doctors conducted forced anal examinations of these two men. Anal examinations conducted without consent contravene the absolute prohibition of torture and other cruel, inhuman and degrading treatment or punishment under international law. If it is found there is a case to answer, I trust those responsible will be brought to trial for perpetrating acts of torture.

In the light of the above facts, I trust that you will take prompt action to ensure the immediate release of both Phil Mubiana and James Mwansa.

Thank you for your efforts!

Yours sincerely,

Name	City	Signature
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**Copies of this letter to:**

- Hon. Dr Joseph Kasonde, Minister of Health, Ndeke House, PO Box 30205, Lusaka , SAMBIA
- Mr Mumba Malila, Ministry of Justice, PO Box 50106, Fairley Road, Ridgeway, Lusaka, SAMBIA
- Zambian Embassy in Paris, France 18, avenue de Tourville, 75007 Paris, France

**Deutsch:** In Sambia wurden zwei junge Männer unter dem Vorwurf, „entgegen der natürlichen Ordnung“ eine sexuelle Beziehung unterhalten zu haben, festgenommen. Die Freilassung gegen Kautions wurde ihnen verweigert und sie befinden sich in Erwartung eines Verfahrens in Haft. Die Männer mussten gegen ihren Willen Untersuchungen im Analbereich über sich ergehen lassen.