



September 11, 2013

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Excellences:

We write to you on behalf of 12 Cameroonian and international human rights organizations that have carefully documented many cases in which Cameroonians have been subjected to violence because of their sexual orientation or gender identity, or because of their activism on behalf of lesbian, gay, bisexual, transgender, and intersex (LGBTI) people in Cameroon. We respectfully urge you to accept and adopt recommendations, put forth at the May 2013 Universal Period Review (UPR) at the United Nations Human Rights Council, **to prevent violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) people, to hold accountable the perpetrators of homophobic violence, and to ensure the protection of human rights defenders that work with these marginalized groups.** Below, we suggest concrete steps the government of Cameroon can take to counteract homophobic violence.

We are particularly shocked and saddened by the recent murder of Eric Ohena Lembembe, executive director of the Cameroonian Foundation for AIDS (CAMFAIDS), who was brutally assaulted and killed in July 2013. No one has been arrested, but Lembembe's friends suspect he was killed because of his outspoken advocacy on behalf of LGBTI people. Unfortunately, the government of Cameroon has not publicly condemned this killing, and police investigations have failed to produce results. The government's inaction risks sending a signal to all Cameroonians that they can violate the law with impunity if they target people on the basis of their real or perceived sexual orientation and/or gender identity.

Lembembe's case may be the most extreme, but unfortunately, it is not exceptional. The 2010 report *Criminalizing Identities*, published by Alternatives-Cameroun, the Association for the Defense of Gays and Lesbians (ADEFHO), the International Gay and Lesbian Human Rights Commission (IGLHRC) and Human Rights Watch, documented cases in which individuals were beaten by mobs, neighbors, police officers, and family members because they were suspected of being gay or lesbian.¹ In October 2012, Human Rights Watch and CAMFAIDS conducted additional interviews with LGBTI people in Cameroon who had been beaten because of their sexual orientation and gender identity, including one person who was stabbed in the head. Amnesty International's 2013 report *Making Love a Crime* includes reports of discrimination, harassment and abuse of individuals because of their real or

¹ Human Rights Watch, *Cameroon - Criminalizing Identities: Rights Abuses in Cameroon based on Sexual Orientation and Gender Identity*, November 2006, <http://www.hrw.org/sites/default/files/reports/cameroon1010web.pdf>.

perceived sexual orientation or gender identity, including abuse by police officers and family members.²

Other worrisome recent incidents include the following, all of which our organizations have already brought to the attention of the Cameroonian authorities:

- A series of death threats sent by email and SMS to human rights lawyers Alice Nkom and Michel Togu , including threats to kill their children. Both lawyers have filed complaints with police and prosecutors, with no effect. Human Rights Watch issued an open letter to President Paul Biya on February 13, 2013, to bring these threats to his attention and to ask the government to address these threats. We received no response.³
- A burglary at Michel Togu 's office on June 16, 2013, in which sensitive legal documents related to his work defending LGBTI clients were stolen.⁴
- A fire at the Access Center, where Alternatives-Cameroun conducts HIV testing and prevention work among both gay and heterosexual clients, on June 26, 2013.⁵

Further, a Cameroonian association organized a “national day of action against homosexuality.” A march, authorized by the authorities, was held in the streets of Yaound  on August 21, during which the association’s leaders made speeches inciting violence against LGBTI people and announced the establishment of a militia aimed at tracking down LGBTI people.

The threat of violence and accompanying climate of impunity has jeopardized the work of Cameroonian associations that conduct HIV prevention among men who have sex with men (MSM), including several of the signatories to this letter. With no guarantees that the government officials responsible for public safety will protect them, several of the organizations have been forced to scale back outreach activities that are essential in Cameroon’s fight against HIV/AIDS.

The arbitrary application of article 347 bis of the Penal Code, which criminalizes “sexual relations between persons of the same sex,” has the pernicious effect of legitimizing acts of violence against lesbian, gay, bisexual, transgender, and intersex people. As our organizations have documented, including in the March 2013 report *Guilty by Association*, by Alternatives-Cameroun, ADEFHO, CAMFAIDS and Human

² Amnesty International, *Making Love a Crime: Criminalization of Same-Sex Conduct in Sub-Saharan Africa*, June 2013, <http://www.amnesty.org/en/library/asset/AFR01/001/2013/en/gf2d91b7-bcoe-4ea7-adae-7e51aeoce36f/afro10012013en.pdf>.

³ Letter from Human Rights Watch to Paul Biya, president of the Republic of Cameroon, February 13, 2013, <https://www.hrw.org/news/2013/02/13/letter-paul-biya-president-republic-cameroon>.

⁴ “Cameroon: Spate of Attacks on Rights Defenders,” Human Rights Watch news release, July 1, 2013, <https://www.hrw.org/news/2013/07/01/cameroon-spate-attacks-rights-defenders>.

⁵ Idem.

Rights Watch, dozens of people in Cameroon are arrested and prosecuted based on the simple suspicion that they are gay. In this context, many LGBTI people are afraid to report crimes to the police. When they do, sometimes they are treated as criminals themselves and arrested. Such arrests violate Cameroon's own constitution and its international human rights obligations, and incite hatred and violence against LGBTI people.

The Cameroonian government has an obligation to protect *all* of its citizens – not just heterosexual citizens – from violence. The chair of the African Commission on Human and Peoples' Rights, Catherine Dupe Atoki, recently stated that the Commission vehemently opposes violence on the basis of sexual orientation.⁶ Cameroon should make a similarly unambiguous statement in order to deter homophobic and transphobic violence.

The upcoming Human Rights Council meeting in Geneva provides an opportunity for Cameroon to take a clear stance against violence. **We strongly urge you to accept recommendations regarding violence against LGBTI people**, particularly the recommendations to *protect LGBTI from violence from other members of the society* (Germany); to *adopt appropriate measures to tackle social prejudices, stigmatization, harassment, discrimination and violence against individuals because of their sexual orientation* (Uruguay); to *adopt necessary measures to avoid discrimination, and to protect and integrate the LGBT population* (Argentina); to *investigate police violence that took place on persons because of their actual or perceived sexual orientation* (Belgium); to *ensure adequate protection of defenders of human rights that help LGBT persons* (Belgium); and to *continue to investigate acts of threats and aggression against human rights defenders and journalists and bring to justice those perpetrators* (Spain).⁷

In order to implement these recommendations, we suggest the following specific steps:

⁶ Dupe Atoki's statement is available at <https://www.dropbox.com/s/8hd9qao6pcjtt74/Vidéo%2011-04-13%2014%2050%2007.mov> (accessed September 5, 2013).

⁷ The full set of recommendations made to Cameroon at the May 2013 UPR hearing regarding sexual orientation and gender identity are as follows. Although this letter focuses specifically on the urgent problem of violence against LGBTI people and their defenders, the signatories to this letter support all of these recommendations: *Decriminalize consensual sexual relations between adults of the same sex; protect LGBTI from violence; Undertake public actions aimed at eliminating discrimination based on sexual orientation; Take all necessary measures, including legislative and administrative, to prohibit and eliminate all discriminatory treatment based on sexual orientation; Respect article 12 of the Constitution, which protects privacy, and eliminate abuses of this article that lead to arbitrary arrests and prosecutions on charges related to consensual same sex relations; Investigate police violence that took place on persons because of their actual or perceived sexual orientation; Ensure adequate protection of defenders of human rights that help LGBT persons.* See A/HRC/24/15, United Nations Human Rights Council, July 5, 2013, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/154/72/PDF/G1315472.pdf?OpenElement>.

- Publicly condemn the killing of human rights activist and community health worker Eric Ohena Lembembe, and call for a prompt, effective, independent and impartial investigation and for those responsible to be brought to justice.
- Collaborate with Cameroonian civil society organizations and the media to develop and implement a large-scale public awareness campaign about the basic humanity, dignity, and rights of sexual and gender minorities.
- Conduct trainings for the police, the gendarmerie, and the judiciary on sexual orientation, gender identity, and LGBTI rights, including the right to access to justice. Collaborate with civil society organizations working on LGBTI rights to offer these trainings.
- Pass laws prohibiting incitement of violence and hate crimes, including crimes motivated by the actual or presumed sexual orientation or gender identity of the victim.
- Take all necessary measures, including legislative and administrative ones, to prohibit and eliminate discriminatory treatment on the basis of sexual orientation and gender identity, at every stage of the judicial process.
- Establish and provide funding for a working group, composed of government and civil society representatives that will create a National Plan of Action to eliminate discrimination against sexual and gender minorities, with clear benchmarks for each aspect of the plan.
- Allow organizations working on issues related to sexuality, sexual orientation, and gender identity to officially register as non-profit organizations.

We look forward to your positive response with regard to this matter, and we are happy to meet to discuss these recommendations further.

Sincerely,

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Affirmative Action

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All Out

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The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)

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cc:

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