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January 14, 2011

Dear President Biya,

On behalf of the International Gay and Lesbian Human Rights Commission (IGLHRC), a twenty year-old organization with offices around the world, I write to express our deep concern over recent threats to human rights defenders and organizations advocating for the protection of lesbian, gay, bisexual and transgender (LGBT) rights in Cameroon. In recent days, Alice Nkom, Chairperson of L'Association pour la Défense de l' Homosexualité (ADEFHO), has been threatened by state officials with possible arrest and with violence from segments of civil society. We call upon the government of Cameroon to ensure that Madame Nkom is not arrested and to ensure the safety of her, of all members of ADEFHO and of all LGBT Cameroonians in the face of threat of violence.

Harassment of Madame Nkom and ADEFHO has mounted since January 4 when the newspaper, *Quotidien Le Jour*, reported that ADEFHO would receive a grant from the European Union (EU) for a project entitled, "Support and Training for Sexual Minorities." Legally registered in Cameroon since 2003, ADEFHO is a national human rights organization based in Douala that provides legal defense to people discriminated against on the grounds of sexual orientation or gender identity. Since then, there has been an escalating series of disturbing events:

- In a succession of blog posts from January 5 – 11, the Coalition of Cameroonian Youth (*Rassemblement de la Jeunesse Camerounaise*) responded to this news by inciting homophobia: it declared a *fatwa* against LGBT people in Cameroon and called on youth to "track them and denounce them without pity." The group has also advocated for the government to arrest the EU country representative and to block the transfer of the grant. They have threatened to protest at the country office of EU.
- Events escalated on January 9 when an official in the Ministry of Communications, Felix Zogo, appeared on the television show *Canal Presse* on Channel 2. He said, "Madame Nkom is a lawyer who is supposed to protect the law, but instead she found herself encouraging people to break the law. I can make a guarantee that the government will not be insensitive to these issues." Furthermore, he condemned ADEFHO's receipt of a grant from the EU as violating the "sovereignty" of the State.
- On January 11 at two o'clock in the afternoon, three police officers arrived at the office of ADEFHO. They remained parked in front of the office for several hours, surveilling those who came and went. Later that day, on a television program on Channel STV, a lawyer with the Bar Association of Cameroon, Kengoum Célestin, threatened Madame Nkom on air by saying, "I

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have a lot of friends who have said that if they met you in a dark corner, they'd teach you a lesson...and I agree with them."

- On January 13, the Minister of External Relations, Henri Eyebe Ayissi, summoned the EU representative, Raul Mateus Paula. According to the *Cameroon Tribune*, Ayissi said, "The people of Cameroon are neither ready nor willing to go towards the development of these [sexual] practices in their territory." Ayissi reportedly requested that the EU withhold financing for ADEFHO.

IGLHRC has monitored human rights in Cameroon since thirty-two men were arrested in 2005 and many prosecuted under Article 347 bis, the sodomy law of the Cameroon Penal Code. In November 2010, IGLHRC, ADEFHO, Human Rights Watch and Alternatives Cameroon compiled this and new documentation to publish *Criminalising Identities: Rights Abuses in Cameroon based on Sexual Orientation and Gender Identity*. The report demonstrates how the government uses Article 347 bis to deny basic rights to people perceived to be LGBT. The report describes arrests, beatings by the police, abuses in prison, and a homophobic atmosphere that encourages shunning and abuse in the community. The consequence is that people are not punished for a specific outlawed practice but for a homosexual identity. In this environment, it is essential that organizations working to ensure that all people are treated equally before the law, such as ADEFHO, are permitted to work without threat of arrest or violence.

As demonstrated by Mr. Ayissi actions, certain forces have argued that the EU grant to ADEFHO infringes on the sovereignty of Cameroon. In fact, regional and international human rights bodies have repeatedly addressed Cameroon's obligations under international human rights law with regard to LGBT rights and urged the government to change its behaviour. When Cameroon submitted its State Report to the African Commission on Human and Peoples' Rights in 2010 and when it underwent Universal Periodic Review in 2010, the African Commission and the United Nations Human Rights Committee respectively responded by urging the government to decriminalise consensual acts between adults of same sex.

As the comments of the African Commission and Human Rights Committee make clear, LGBT rights are integral to states' human rights obligations. The United Nations Human Rights Committee, which authoritatively interprets the International Covenant on Civil and Political Rights (ICCPR) and evaluates states' compliance with its provisions, found in the 1994 case of *Toonen v. Australia* that laws criminalizing consensual homosexual conduct among adults violate the ICCPR's protections for private life and against discrimination. Further, Article 9 secures for all the right to liberty, security, and rights against arbitrary detention. The UN Declaration on Human Rights Defenders Article 7 specifically affirms the right to "develop and discuss new human rights ideas and principles and to advocate their acceptance." The report of the Special Representative on Human Rights Defenders to the UN General Assembly specifically identifies human rights defenders from LGBT communities as being at particular risk and calls for greater state vigilance in protecting their rights.

As the events of the past week have developed, IGLHRC has received reports that LGBT people are living in fear and some have even gone into hiding, highlighting the fact that targeting Madame Nkom and jeopardizing ADEFHO has widespread impact on those already vulnerable. We urge the government of Cameroon to:

- Ensure that Madame Nkom and members of ADEFHO are not arrested in connection with spurious charges related to receipt of the European Union grant;
- Cease police surveillance of ADEFHO;

- Act swiftly to protect Madame Nkom, ADEFHO, all LGBT organizations and all LGBT people from violence, including by swiftly condemning hate speech by members of government and civil society and preventing the possibility of mob violence targeting human rights defenders and LGBT people;
- Rescind its request that the EU block a grant to ADEFHO, which could provide life-saving support to Cameroonian minorities;
- Repeal Article 347 bis of the Cameroon Penal Code; and
- Condemn publicly all acts of violence, discrimination, and intolerance against individuals on the grounds of their real or perceived sexual orientation and or gender identity.

Sincerely,



Cary Alan Johnson  
Executive Director

CC:

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