

# Lawyers' Rights Watch Canada

*NGO in Special Consultative Status with the Economic and Social Council of the United Nations*  
Promoting human rights by protecting those who defend them

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16 November 2012

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Dear Mr. President, Prime Minister and Minister of Justice,

## **Re: Alice Nkom, Michel Togue and Saskia Ditisheim under threat in Cameroon**

We write on behalf of Lawyers Rights Watch Canada (LRWC), a committee of Canadian lawyers who promote human rights and the rule of law internationally. LRWC also provides support to lawyers and other human rights defenders in danger because of their advocacy.

LRWC is deeply concerned by the broad policy established in Cameroon against lesbian, gay, bisexual and transgender (LGBT) persons and the consequent harm to suspects and their lawyers.

Our immediate concern is with the personal and professional safety of lawyers Alice Nkom, Michel Togue and Saskia Ditisheim. We understand these lawyers are in grave danger, having been threatened with harm for representing a client accused of homosexuality. The lawyers and their client Jean-Claude Roger Mbede, urgently need protection. Immediate protection is needed to enable them to safely attend the court appearance scheduled for Monday November 19, 2013, in Yaoundé. Ongoing protection is needed for the lawyers and family members. We understand that the lawyers and others have asked Cameroon authorities to provide adequate protection and have yet to receive replies.

We urge repeal of the current Cameroon Penal Code provisions that criminalize “sexual relations with a person of the same sex” and punish such acts with a penalty of up to five years imprisonment and a fine of 20,000 to 200,000 CFA (Article 347*bis* of the Penal Code).

As a party to the *International Covenant on Civil and Political Rights*, Cameroon is obliged to ensure the equal and non-discriminatory enjoyment of protected rights and freedoms by all persons. This includes the legal obligation to ensure that rights are not diminished or denied on the basis of sexual orientation (Article 26).

The above mentioned section of the Penal Code appears to be used to also wrongly penalize mannerisms and behaviour that may subjectively suggest a particular sexual orientation. For example, we understand that Jean-Claude Roger Mbédé was convicted for sending a message—*viz* I am very much in love with you—that was interpreted as being criminal. Such a result not only offends protected freedoms (e.g. of expression, opinion, liberty, non-discrimination) but also offends common sense and converts the criminal law from an instrument of justice to a tool for arbitrary punishment.

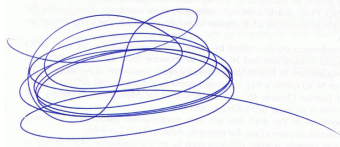
This wrongful and overbroad criminalization appears to have encouraged widespread stigmatization of LGBT people, which in turn has fueled threatened vigilante actions against suspected LGBT people and their advocates. With courts authorized to penalize freedoms on a discriminatory basis, citizens encouraged to mete out vigilante justice and lawyers threatened with injury for advocating justice, LRWC calls for immediate remedial intervention by responsible state authorities.

The remedial action required to protect lawyers, clients and the integrity of the Cameroon legal system include:

1. Immediate protection for the three lawyers named above and for others at risk of harm in this matter;
2. Repeal of Article 347*bis* of the Penal Code;
3. Withdrawal of charges laid under Article 347*bis* of the Penal Code pending repeal;
4. Pardon and release of those previously convicted under this Article;
5. Publication of a statement from the Minister of Justice, the President or the Prime Minister denouncing discrimination based on sexual orientation and promoting tolerance and respect for members of the LGBT community;
6. Public education promoting tolerance and respect for members of the LGBT community.

All of which is respectfully submitted. Thank you for your attention on this matter. We look forward to your reply.

Sincerely,



Gail Davidson

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