

Quick Response Desk
Office of the United Nations
High Commissioner for
Human Rights
Palais des Nations
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Switzerland

Submission for **URGENT APPEAL** concerning the arrest of a **GROUP OF INDIVIDUALS IN SENEGAL**

Attention of:

- Special Rapporteur on Human Rights Defenders;
- The Working Group on Arbitrary Detention
- Special Rapporteur on the Right to Health
- Special Rapporteur on Torture
- Office of the United Nations High Commissioner for Human Rights.

Dear Mrs. Sekagya, Mr. Grover, Mr. Nowak, and Members of the Working Group,

Submitting Organization(s)

This submission is based on information about events in Senegal received from various Human Rights groups. The submitting organisations work together in the *Platform Internationale LGBT Emancipation*, a Dutch platform, and wish to express their concerns by means of addressing this letter.

Identity of Victims

Nine men have been arrested. They have been sentenced to eight years of imprisonment solely on basis of alleged sexual conduct, can be considered prisoners of conscience. A number of men are involved in HIV/AIDS prevention activities.

Date and Places of Incidents:

The nine men were arrested in Dakar on December 19th 2008. Police officers raided the house of the secretary general of AIDES Senegal.

Description of the Circumstances of the Incident in Which the Alleged Violation Occurred

On January 6th 2009 nine men were sentenced on charges of “indecent and unnatural acts” and “forming organisations of criminals”. The nine men apparently were arrested merely on suspicion of engaging in homosexual conduct. The nine men were detained on December 19th 2008, after several police officers burst into the private residence of an HIV outreach worker some miles outside Dakar at 11 p.m. The police confiscated condoms and lubricants – tools used for HIV–prevention work. The police forced several of the men to disclose family members’ phone numbers and threatened to inform their families. Sources told Human Rights Watch that the men were beaten in detention.

The men were charged with violating article 319.3 of Senegal’s penal code, which provides that “whoever commits an improper unnatural act with a person of the same sex will be punished by imprisonment of between one and five years.” Reports received by Human Rights Watch indicate that the men were not engaged in any activity considered criminal under Senegalese law.

At the trial, prosecutors apparently used the materials found in the house that are standard HIV–prevention tools used in outreach work as evidence of homosexual conduct, for which the men received the maximum five–year sentence. They were also found guilty of “criminal association” in violation of article 238 of the penal code, permitting the judge to add three years to their five–year imprisonment term.

Earlier in December, at the occasion of the 15th International Conference on AIDS and Sexually Transmitted Infections in Africa (ICASA), attacks targeted against the LGBT community were addressed in various media. During this conference, the importance of prevention work focusing on MSM (men having sex with men) was discussed.

HIV and AIDS advocates in Senegal reported that the ruling has produced widespread panic among organizations addressing HIV and AIDS, particularly

those working with men who have sex with men and other marginalized populations.

Attempts to Seek Redress at the National Level

The judge handed down sentences which are harsher than those requested by the prosecutor, apparently only a few minutes after the end of the debates, suggesting that the evidence brought by the defence was not adequately examined. Lawyers lodged an appeal on 9 January 2009.

We request you to take action to ensure the immediate release of the nine men. Laws that criminalize consensual and adult homosexual conduct not only contravene international standards of human rights but also create a climate of fear that hampers the effective working of the important HIV and AIDS prevention and education work.

On behalf of the organisations:

Aids Fonds

Consultancy Tanne de Goei

Facing Lesbian Lives

COC Nederland

Hivos

Schorer

STOP AIDS NOW!

World Population Foundation