

# URGENT ACTION

## STOP GAMBIA'S HOMOPHOBIC BILL

**The Gambian President is currently reviewing a proposed amendment to the Criminal Code which will further discriminate against and punish Gambians merely on the basis of their real or perceived sexual orientation.**

On 25 August Gambia's National Assembly passed the Bill for the Criminal Code (Amendment) Act 2014, which introduces the criminal offence of "aggravated homosexuality", with a sentence on conviction of life imprisonment. Among those who could be charged with "aggravated homosexuality" are people living with HIV who are suspected to be gay or lesbian, or people described in the Bill as "serial offenders". There are serious concerns that the term "serial offender", which is not defined in the Bill, will be used against individuals who have previously been charged or convicted because of their real or perceived sexual orientation.

Other provisions of the Criminal Code amendment also run counter to Gambia's international human rights obligations. A new charge relating to "absconding state officials" could be used to target individuals who express dissent and flee the country. It will be punishable by a fine of up to 500,000 Dalasi (approx. US\$12,700) and five years in prison. President Yahya Jammeh has 30 days to review the proposed legislation before assenting to it or returning it to the National Assembly for further review. If President Jammeh assents to the Bill, it will become an Act of the National Assembly and will be enforceable upon its publication.

### **Please write immediately in English or your own language:**

- Calling on President Yahya Jammeh to reject provisions in the proposed Criminal Code on aggravated homosexuality and absconding state officials;
- Calling on the President Yahya Jammeh to repeal provisions in the Criminal Code which criminalize consensual same-sex sexual conduct;
- Reminding President Yahya Jammeh of the the African Commission on Human and Peoples' Rights resolution on the Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity;
- Urging President Yahya Jammeh to promote human rights for all individuals, regardless of their sexual orientation or gender identity, and to refrain from making threatening, intimidating, or discriminatory remarks against LGBTI persons.

### **PLEASE SEND APPEALS BEFORE 24 OCTOBER TO:**

President of the Republic

Yahya Jammeh

Private Mail Bag

State House,

Banjul, The Gambia

Email: [info@statehouse.gm](mailto:info@statehouse.gm)

**Salutation: Your Excellency**

**To increase the impact of the action, please also send copies to:**

Diplomatic representatives accredited to your country.

(Please insert local diplomatic addresses here)

**Salutation: Your Excellency**

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

The passing of the Bill comes amidst shrinking space for the right to freedom of expression and association in Gambia. The government tightly controls the media, and the rights to freedom of expression and assembly are seriously curtailed. Human rights defenders, journalists and political activists face harassment, intimidation, arbitrary arrest and detention, torture and enforced disappearance. The President has repeatedly criticized human rights defenders for promoting and protecting the human rights of sexual minorities. Gambia has existing legislation criminalising consensual sexual activity between adults of the same sex with a sentence of up to 14 years imprisonment.

President Yahya Jammeh has made numerous public statements attacking lesbian, gay, bisexual, transgender and intersex (LGBTI) rights, including at the United Nations General Assembly in 2013 where he declared: "Those who promote homosexuality want to put an end to human existence, it is becoming an epidemic and we Muslims and Africans will fight to end this behaviour". In February 2014, he stated "we will fight these vermins called homosexuals or gays the same way we are fighting malaria-causing mosquitoes; if not more aggressively". In 2012, 18 men and two women were arrested during a raid on a nightclub. They were charged with attempting to commit "unnatural acts" and "conspiracy to commit felony". Their pictures and names were displayed in the newspapers. The charges against them were eventually dropped due to lack of evidence.

In May 2014, the African Commission on Human and Peoples' Rights (ACHPR) adopted a resolution on the Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity. The resolution condemned "the situation of systematic attacks by State and non-state actors against persons on the basis of their imputed or real sexual orientation or gender identity".