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## **Senegal: Authorities must protect nine men at risk of homophobic attack**

Amnesty International today called on the Senegalese government to ensure the safety of nine men at risk of homophobic attack. The nine men were released from jail last week, having been held on the basis of alleged sexual conduct.

“These nine men were prisoners of conscience, sentenced solely on the basis of alleged sexual conduct, and should never have been jailed in the first place,” said Veronique Aubert, Deputy Director of the Africa Programme.

“The decision by Court of Appeal in Dakar to release them after they initially received an eight-year sentence is welcome. But it needs to be followed by concrete action from the authorities to ensure the men are safe from possible homophobic attacks.”

Since their release on 20 April, the media and an Islamic organization have disseminated homophobic statements describing the nine men as “vicious” or “perverts” spreading AIDS. Radio programs have broadcast messages calling on the population to attack and throw stones at anyone suspected of “being a homosexual”. These statements amount to advocacy of hatred constituting incitement to discrimination, hostility or violence.

The nine men were arrested in Dakar on 19 December 2008 following anonymous accusations with regards to their sexual behaviour. Police officers also raided the house of the Secretary General of AIDES Senegal, an organization providing HIV prevention services to men who have sex with men.

They were sentenced to eight years in prison after having been found guilty of “indecent conduct and unnatural acts and conspiracy” (“association de malfaiteurs”). They were released after the Dakar Appeal Court overturned the convictions.

The men told Amnesty International delegates who met them at the Camp Penal prison in Dakar in April that following their arrest, “a crowd of bystanders was waiting for us, they asked the police to remit us to the crowd as they threw stones at us and screamed: ‘These are fags, they should not be put in jail, they should be lynched, let them out, we’ll kill them ourselves’.”

Over the last two years, there has been an increase in homophobic attacks, arbitrary arrests and increased hostility towards lesbian, gay, bisexual, same-sex practicing and transgender people in Senegal. The societal homophobia is exacerbated by the fact that consensual sexual conduct between people of the same sex is criminalised in Senegal. The Penal Code provides that:

“Whoever will have committed an improper or unnatural act with a person of the same sex will be punished by imprisonment of between one and five years and by a fine of 100,000 to 1,500,000 francs. If the act was committed with a person below the age of 21, the maximum penalty will always be applied”.

This criminalisation has the effect of sanctioning human rights violations against those suspected of being lesbian, gay, bisexual, same-sex practicing or transgender, and ensures that there is little or no access to justice for the victims of those attacks.

“The Senegalese authorities must repeal the law criminalizing consensual sexual conduct between people of the same sex, and provide immediate protection for those who may be subject to discrimination or attack on the basis of actual or perceived sexual conduct,” said Veronique Aubert.

Amnesty International is also calling for an investigation into allegations of torture and other ill-treatment against the nine men while they were in custody at the Mbao Sicap police station in Dakar, and for those responsible to be brought to justice. The organization is concerned that confessions reportedly extracted from them under torture were accepted as evidence by the court during their trial, and that they were not allowed to read the interrogation reports containing their “confessions”.