

6 March 2008

UA 63/08 Fear of forcible return**SWITZERLAND Anatole Zali (m), aged 18, Cameroonian national**

Eighteen-year-old Anatole Zali is at imminent risk of being forcibly returned to Cameroon by the Swiss authorities. Anatole Zali identifies himself as gay, and homosexuality is illegal in Cameroon. If returned he would be at risk of being imprisoned because of his sexual orientation, and Amnesty International would consider him to be a prisoner of conscience.

Anatole Zali arrived in Switzerland from Cameroon, on 3 February 2008, and claimed asylum on the grounds that he had been threatened because of his sexual orientation. In Cameroon, Anatole Zali claims to have received threats from the police, initially in Yaounde, the capital, and then in the city of Douala, where he stayed with his (male) cousin for protection. His cousin was later arrested by the police on suspicion of being gay, and an arrest warrant on the same grounds was issued for Anatole Zali. Anatole Zali fled to Switzerland to escape arrest.

Anatole Zali claimed asylum at Zurich airport, but his claim was rejected on 14 February. Under current asylum legislation in Switzerland asylum-seekers are not granted state-funded legal assistance. Consequently, Anatole Zali had to submit his own appeal against the rejection of his asylum claim, without legal representation. He was given only five days in which to submit his appeal, in accordance with Swiss asylum procedures. His appeal was rejected. Switzerland has obligations under international law, including the 1951 UN Refugee Convention, to give asylum-seekers access to a fair and satisfactory asylum procedure, and not to return anyone to a country where they would be at risk of serious human rights violations.

BACKGROUND INFORMATION

The Cameroonian Penal Code criminalizes homosexuality. According to Section 347 bis of the Cameroonian Penal Code, "Whoever has sexual relations with a person of his/her sex shall be punished with imprisonment for from six months to five years and with a fine of from 20,000 to 200,000 francs [approximately US \$35 to US \$350]".

Amnesty International is aware of the detention of at least 11 men in Cameroon between 19 July and 1 September 2007 on suspicion of "engaging in acts of homosexuality". Amnesty International considers the detainees to be prisoners of conscience. Amnesty International believes that detention on such grounds contravenes the rights to freedom from discrimination, privacy and freedom of assembly and association, as guaranteed by the international and regional human rights treaties to which Cameroon is a party.

Reports suggest that those detained or imprisoned in Cameroon because of their alleged sexual orientation have been targeted for ill-treatment in custody. They are often subjected to verbal and physical threats from other inmates. Cameroon's prisons are characterised by overcrowding, poor sanitation and inadequate food.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in French, German or your own language:

- urging the Swiss authorities not to forcibly return Anatole Zali to Cameroon, as he is likely to face arrest because of his sexual orientation, noting that if he was arrested, Amnesty International would consider him to be a prisoner of conscience;

- calling on the Swiss authorities to fulfil their obligations under international law, including the UN Refugee Convention, which states that asylum-seekers must have access to a fair and satisfactory asylum procedure, and must not be returned to a country where they would be at risk of serious human rights abuses;

- calling on the Swiss authorities to allow Anatole Zali to resubmit his asylum application and to provide him with state-funded legal representation.

APPEALS TO:

Dr. Eduard Gnesa
Director of the Federal Office for Migration
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CH 3003 Bern- Wabern
Switzerland

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Fax: +41 31 325 86 82

Salutation: Dear Dr Gnesa

COPIES TO:

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Salutation: Dear Councillor

and to diplomatic representatives of Switzerland accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.