

URGENT ACTION

COURT ACQUITS TWO MEN IN ZAMBIA

On 3 July a Zambian court in Kapiri Mposhi acquitted two men charged with having sex “against the order of nature”. The court ruled that the State had failed to prove the case against James Mwape and Philip Mubiana who had spent more than a year in remand prison awaiting trial.

James Mwape and Philip Mubiana were freed on 3 July after having been held for over a year in remand prison after their arrest on 5 May 2013. They were charged with having sex “against the order of nature” under Section 155 of the Zambian Penal Code. In terms of section 155 of the Penal Code, any person who (a) has carnal knowledge of any person against the order of nature; or (c) permits a male person to have carnal knowledge of him against the order of nature; commits a felony and is liable, upon conviction, to imprisonment for at least 15 years to life. The men denied the charges.

Both men were prisoners of conscience arrested solely on the basis of their real or perceived sexual orientation. In addition to Urgent Actions Amnesty International has worked together with local activists in Zambia to support the men in prison and to monitor the trial. The organization also lobbied the Zambian authorities to drop the charges against both men.

Freeing the two men is the right decision, but sadly it was reached for the wrong reasons. The Zambian authorities must fulfil their obligations to respect and protect all human rights and end the persecution of individuals on the basis of their real or perceived sexual orientation or gender identity.

No further action is requested from the UA network. Many thanks to all who sent appeals. Amnesty International will continue to monitor the case and take further action as appropriate.

This is the third update of UA 124/13. Further information: <http://amnesty.org/en/library/info/AFR63/002/2014/en>

Name: Philip Mubiana and James Mwape
Gender m/f: m

Further information on UA: 124/13 Index: AFR 63/003/2014 Issue Date: 7 July 2014

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