



FOR LESBIAN, GAY,  
BISEXUAL AND  
TRANSGENDER  
HUMAN RIGHTS

FALL: 2006

## INTERVIEW WITH ALICE NKOM

***Alice Nkom has been practicing law for more than thirty years. Her involvement in Lesbian, Gay, Bisexual, and Transgender human rights work began after seeing her relatives return home to Cameroon “full of life and possibilities” after years of study abroad, unaware that they would be considered criminals in their own country because of their sexuality. In 2003, she founded ADEFHO (The Association for the Defense of Homosexuality), with the principal objective of abolishing Article 347(a) of the Cameroonian Penal Code, which criminalizes homosexual conduct.***

Last year, Alice represented the nine men (one of whom was a 17-year-old boy) who were tried for “practicing homosexuality” under the Cameroonian sodomy statute. They were part of a group of 11 men who were arrested at a nightclub in Yaoundé on May 22, 2005, two of whom were subsequently released. Though an initial court judgment ruled that the case should be thrown out due to the prosecution’s failure to follow procedural laws, the men were unlawfully detained and subjected to a second trial, this one following the appropriate protocol. Ultimately, seven of the men were found guilty and sentenced to 10 months in prison, though they were released soon after the trial as they had already been in prison over a year. One of the men, Alim Mongoche, died on June 23, 10 days after his release, due to complications from HIV/AIDS that were worsened by the harsh prison conditions.

OUTfront recently caught up with Alice Nkom and talked to her about her experience working on the case and her thoughts on the situation for LGBT human rights in her country.

**Tell us a bit about your involvement in the case. What was your opinion of its proceedings?**

I faced all sorts of problems just to obtain the file from the state prosecutor who was charged with investigating the case. He had many excuses about why I could not receive their file, knowing full well I had traveled 300 kilometers to go to Yaoundé. (According to Alice, the men were arrested on May 22, 2005 and were charged on June 1, but the defense lawyers were not given access to the case documents until September.)



**Alice Nkom and Alim Mongoche**  
Photos by: Tony Smith

I persisted in my endeavors and explained the situation to the Attorney General. Aided by the International Gay and Lesbian Human Rights Commission (IGLHRC), my colleague in Yaoundé and I were finally able to consult the defendants’ file and quickly realized the reasons why the prosecution did not really want the defense to poke its nose in the dossier: the inquiry that had been opened was completely illegal and violated a 1990 law that sets the procedure for such cases of *flagrante delicto* (caught in the act). (INTERVIEW: CONTINUED ON PAGE 2)



## SLOVENIA: SAME-SEX PARTNERSHIP LAW TAKES EFFECT

Slovenia’s Parliament has passed legislation recognizing the rights of same-sex couples. A law that went into effect on July 23 in the country formed from the former Yugoslavia allows gay and lesbian couples to recognize their partnerships.

Gay groups have welcomed the law but criticized certain restrictions placed on the ceremony. Only the two partners and a registrar may be present and the ceremony must take place in a government office. Couples must apply for registration 30 days in advance and prove they are sane, healthy, and unmarried. *Sources: 365gay.com, July 24; Gay.com, July 24; Rex Wockner, July 31*

## CHILE: LESBIAN DENIED CUSTODY GOES TO INTERNATIONAL COURT

Karen Atala, a lesbian who was denied custody of her three children by Chile’s Supreme Court, has taken her case to the Organization of American States’ Inter-American Commission on Human Rights.

In 2004, the Chilean court ruled that Judge Atala’s lesbian life created “a situation of risk” for her children and decided the case in favor of her ex-husband. The Inter-American Commission has accepted the case, which will be heard on the grounds that due process was not respected, the right to privacy was violated, and the right of Atala’s children to be heard was completely set aside.

The outcome of the case may have repercussions in several Latin American nations whose constitutions stipulate that rulings by the Inter-American system override those of their own courts. *Sources: Gay.com, July 11; Rex Wockner, July 31.*

## SOUTH AFRICA: THOUSANDS PROTEST GAY MARRIAGE BILL

Thousands of people participated in protests that were staged across South Africa on September 16 to denounce legislation that would allow same-sex couples full marriage rights.

Last December, the Constitutional Court, the highest court in South Africa, ruled that it was unconstitutional to deny gay and lesbian couples the right to marry. The court ordered Parliament to amend marriage laws within 12 months. If it fails to act within that timeframe, the court said the ruling would automatically change the law to include same-sex unions. Last month the cabinet approved legislation to permit same-sex marriage that would also give rights to unmarried gay and non-gay couples. *Sources: 365Gay.com, Aug. 2, Sep. 7, Sep. 17; Reuters, Sep. 17.*

## ZIMBABWE: CRIMINAL CODE REVISION FURTHER THREATENS GAY RIGHTS

The Zimbabwean government has announced a new law making it a criminal offense for members of the same sex to hold hands, hug, or kiss. The “sexual deviancy” law is one of 15 additions to Zimbabwe’s criminal code passed in July. It expands the definition of sodomy to include “any act involving physical contact that would be regarded by a reasonable person to be an indecent act.”

Robert Mugabe, Zimbabwe’s president, has a long history of homophobia. He has called homosexuality a “white disease” and commonly refers to gays and suspected gays as “less than pigs and dogs.” *Sources: Iglhrc.org, July 31; 365Gay.com, July 17.*

For more I-Briefs, please go to our website: [www.amnestyusa.org/outfront](http://www.amnestyusa.org/outfront)

(INTERVIEW: CONTINUED FROM PAGE 1)

Furthermore, Article 347(a), under which the men were arrested, is an ordinance that was issued in 1972 by then-President Ahmadou Ahidjo. However, a revision of the Constitution that occurred in 1996 states that the determination of all criminal acts, and the procedures and punishments through which those acts are prosecuted, is under the exclusive domain of the legislative branch. Only a law voted by Parliament, not an ordinance signed by the executive, can determine which behaviors qualify as criminal acts. Article 347(a) therefore violates the Constitution which is superior to it, and it should be repealed.

We had the unfortunate surprise of realizing that the state prosecutor, sensing the impossibility of going forward with the case as it was, had ordered a medical examination and assigned a doctor to analyze the prisoners' anal passages to see if they had had homosexual relations. Happily, more than four doctors asked to make the examination refused to participate in such inhumane and degrading practices, which are banned by our constitution, as well as by all the treaties and conventions signed and ratified by Cameroon.

### What was the final ruling in the case?

On April 21, 2006, after 10 long months of detention, after the refusal of doctors asked by the prosecutor to find credible evidence to support the charges, after numerous requests for the provisional release of the defendants received no response (even though the law requires a response one way or another), the court made a judgment annulling the entire initial inquiry on the grounds that it violated the 1990 law that dictates the procedure through which the criminal act of homosexuality must be established. The defendants should have been released immediately. But this wasn't the case.

The state prosecutor refused to follow the court's decision and arbitrarily maintained the men in detention until he could order a new trial, this time following the appropriate procedure dictated by the 1990 law. Ludicrously, my clients were being charged with flagrante delicto 10 months after the act had allegedly occurred!

(INTERVIEW: CONTINUED ON PAGE 3)

(INTERVIEW: CONTINUED FROM PAGE 2)

On June 13, 2006, a new court condemned them, with two exceptions, to ten months hard prison time. (The men were released soon after, having already served over ten months.) The other two were released for lack of evidence. In no way did the court respond to any of the points made by the defense. How could the men have committed these alleged crimes if they had never been caught in the act, and if the doctor assigned to provide medical evidence had refused to do it? No evidence, moral or physical, supported these charges. There was no material evidence for actual sexual intercourse, since the suspects were arrested in a bar while drinking and talking, and no identification of same-sex sexual partners, which the Supreme Court requires.

**For you personally, what struck you the most about this case?**

I was particularly touched by the case of the youngest defendant, Christian. He was just beginning high school and found himself by accident in the bar that day, like many of the others. It especially revolted me to see the state prosecutors so indifferent to the fate of this youth. He belonged in a school, not in prison on charges so legally null and void, without a plaintiff, without victims, without prejudice save that of the prosecution which was in the process of causing him devastating and irreversible harm: a completely worthless cruel act.

I was shocked by the attitude of the prosecutor, who followed the path set not by law but rather by his own homophobia, which was doubtlessly drawn from his religious beliefs, in order to settle a score with innocent people in a way that showed contempt for their vital and rightful interests. One must not forget that the Yaoundé prosecution had to violate several laws to charge, arrest, and detain these poor people, thus taking from them the one weapon they could have used to save themselves: the law, which was instead used to harm them further!

**In what ways did you see the case affect the personal and public lives of the men on trial? How are they dealing with their current situation?**

The 11 people imprisoned under such unjust conditions have been crushed by this trial. It is already hard to live with injustice and discrimination. When those in the legal system violate the Republic's own laws and abuse the authority that has been conferred upon them, then it becomes even more insupportable. Being a homosexual prisoner is hellish. You suffer from every sort of violence and humiliation. Ultimately, these individuals are rejected by their families who cannot stand the hateful and cruel attitude of their neighbors. Even those who have been released are struggling to pull together and return to society. Above all, they suffer from their poverty. They couldn't pay bail, they are now poorer once they have been freed, and their chance to escape poverty is next to nothing!

**What kind of local community support and activism were there for these men?**

These nine have not received any material or moral support locally. It was international NGOs like Amnesty International, the International Day against Homophobia (IDAHO) of France and Cary Alan Johnson's work with the IGLHRC that have provided these unfortunates aid during their cruel exile in the wilderness, which has yet to end. I have not received any support, even verbal, from anyone here in Cameroon.

**Were the accused men made aware of the international activism occurring in their name? If so, how were they affected by it?**

The prisoners are actually very aware of the support of the international community. For them, this is something very important to encourage them and to give them the determination to continue this fight, in the name of all those who struggle for liberty and equal rights for all. The warden of Kodengui prison has never in his entire career witnessed so much support of his prisoners. He received a basket full of letters, many from activists working with Amnesty International, in favor of the liberation and humane treatment of the 11 men.



Alice Nkom with the defendants  
Photos by: Tony Smith

**Do you see Cameroon's prohibition against homosexual conduct changing anytime soon? What needs to happen for the sodomy law to be overturned?**

I think that the laws of Cameroon regarding homosexuality ought to change soon, especially since all the present laws consider the right of privacy to be sacrosanct. The Constitution, as well as all the treaties, charters, and international conventions signed and ratified by Cameroon are testimony to this. The President himself has averred that this right is fundamental for social cohesion, national unity, modernity, and democracy. I think that the combined effort of the head of state, local NGOs, and the international community could bring about the decriminalization of homosexuality in Cameroon and stamp out this injustice which violates the fundamental rights of LGBT people.

**Give us your thoughts on the future of LGBT human rights in Cameroon. Are you optimistic?**

I am still optimistic. When you have the same position as the laws of the Republic, and when the President discourses so frequently about the right to privacy, you can only be an optimist because you are on the right side that will win without a doubt. Also, if the press allows you to speak, communicate, and debate, then you have the hope that one day understanding will come. This is only a question of time, and it is up to us to make this time as short as possible.



NEW OUTFRONT COORDINATORS



MERRILL COLE is an activist, a published author, and a professor of English at Temple University. Growing up in the Bible Belt of the Deep South, he felt the need to hide his sexual orientation even after he was confident with it. But once in college, it took barely two months for him to become a full-fledged LGBT activist – and he hasn't stopped since. His many roles have included serving as a faculty advisor for a student LGBT organization, a member of Ithaca ACT-UP and Queer Nation, a volunteer for the Gay Men's Health Crisis in New York City, and the official observer for the Global Health Project at the Seattle World Trade Organization Convention. As an Amnesty OUTfront Coordinator, Merrill is most interested in forming a vibrant Philly chapter. He states that "LGBT activists would be mistaken to limit themselves to queer-only issues. We need to see, for instance, how gender discrimination ties in with class and race discrimination, within and outside the LGBT community. I am happy to see Amnesty International standing up against all sorts of human rights abuses in the US, perpetrated by the US elsewhere, and outside the US."



In June 2006, 18-year-old GIAN SANTOS was named an honorary "30 under 30" gay Chicagoan by the Windy City Times. Gian, who emigrated with his family from the Philippines seven years ago, has been an active Amnesty member for the past three years. He says that his coming out experience had a lot to do with his decision to get involved in LGBT human rights activism.

What began as (what he thought to be) a discreet way of hinting at his sexual orientation to his family and friends – a high school history project on the declassification of homosexuality as a psychiatric illness – evolved into a publicized coming out experience when his project won top honors at the Chicago Metro History Fair and then at the Statewide Expo. As an OUTfront coordinator, Gian plans to do outreach in his local community and try to build strong relationships among AI and LGBT student leaders throughout the Chicago area. He says raising awareness is the key, because "ignorance is the root cause of many forms of anti-LGBT discrimination, including torture, police brutality, forced treatment, and deprivation of other basic human rights." Gian starts his freshman year at Loyola University this fall.

NEW STEERING COMMITTEE MEMBERS



Neha and Somjen

At 18, NEHA SHAH is the youngest addition to this year's OUTfront Steering Committee. Neha served as the president for both the Amnesty chapter and the gay-straight alliance in her high school for two consecutive years. There has not necessarily been one specific experience that directed her towards LGBT advocacy. The daughter of a human rights lawyer, she says, "I've always been encouraged to stand up for what I believe in. I became involved in human rights activism in high school, where I suppose I naturally gravitated towards LGBT advocacy." In addition to helping implement OUTfront program goals, she wants to continue to mobilize student and youth activists to work on LGBT human rights. Neha believes it is extremely important for activists to continue to fight to repeal sodomy statutes worldwide in order to ensure basic human rights for all LGBT people. Neha begins her studies at the George Washington University this fall.

Growing up in a small town in North Carolina, SOMJEN FRAZER witnessed many instances of racism, sexism, and homophobia. Her involvement in feminist and anti-racist activism led her to her current work on LGBT rights. As an educator and researcher, Somjen has taught classes and workshops on gender and sexuality and done research on LGBT issues designed to promote social change. She lived in England for a while where she worked with local police conducting research and training to improve services for LGBT people and victims of hate crimes. Her other research projects include helping doctors and nurses improve health care for women who partner with women, and working with the National Gay and Lesbian Task Force Policy Institute on a study of black same-sex-headed households in the United States. As an OUTfront Steering Committee member, Somjen would like to see OUTfront grow and increase its capacity to recruit members and take action with and on behalf of non-US LGBT communities. Asked what she thinks are the most pressing LGBT human rights issues today, she says, "There are a lot of human rights issues that are important to different LGBT communities, including poverty, violence, access to education, and the right to form relationships and families of choice."



**Summer is the season for sun, sweat, and some sexy activist action at Pride festivals throughout the United States and abroad. Activists from over 60 local and community groups from Lehigh, Pennsylvania to Barcelona, Spain requested and received OUTfront Pride Packets full of actions, updates, and ideas. Let's look at what some of these groups have been up to:**

### ATLANTA PRIDE PARADE: "SWEATIN' TO HUMAN RIGHTS"



Members of Atlanta's AI group #75 came up with their own creative and hilarious way of getting attention at the June 25th Atlanta Pride March. In line with the group's "Sweatin' for Human Rights" theme, they adorned themselves with Richard Simmons-like attire as they marched down the Atlanta streets.

### WARSAW PRIDE: FIGHTING HOMOPHOBIA

AI Poland was among the groups proudly marching at this year's Equality March in Warsaw. Despite the decision by the Warsaw City Council to actually authorize the parade this year, Amnesty International remained concerned about possible attacks by right-wing groups. The LGBT community has faced increasing discrimination and intimidation in a country where the prime minister has likened homosexuality to a disease whose spread must be stopped. Luckily, a few unsuccessful egg-throwers were the worst of the opposition protestors who were reported.

### SEATTLE PRIDE: DOCUMENTARY ACTIVISM

During Seattle's June 24th and 25th Pride Festival, AI group #4 showed screenings of the *Dangerous Living* documentary that attracted at least 15 to 35 people each day. According to the group's Coordinator, Laura Neuchterlein, featuring interactive materials like documentaries at events can encourage activism in a different way: "[Documentaries] can have a greater impression on people. There is an immediacy of seeing people on screen talking about their personal experiences, while reading fact sheets or signing petitions doesn't give you that immediate emotional connection."



### DENVER MARCH: MINI FLOAT

Local OUTfront member volunteers, Coordinators, and friends gathered to raise LGBT awareness at the June 24th and 25th Colorado Pride March. As group members marched down the street, they had one particularly energetic and enthusiastic member of the group use a blow-horn to get the crowd's attention while other members called on the crowd to "give it up for the smallest float [a Coordinator's decorated radio Flyer wagon] in the parade." Many people stopped by the booth, including a woman with a real AI logo tattoo!

### UK PRIDE: LOVE IS A HUMAN RIGHT

This summer, hundreds of Amnesty activists gathered in cities across the United Kingdom to celebrate sexual diversity with the theme: Love Is A Human Right. Perhaps the most memorable event was EuroPride, the largest Pride event in Europe, which took place in London on the 1st of July. This event attracted activists from all over the world, as well as 80 floats, 200 costumed groups, music, dancing and an atmosphere to rival Rio Carnival. In addition to attending 13 Pride events, including the first ever Black Pride, Amnesty UK distributed thousands of action postcards urging people to write to the LAPD Chief of Police, expressing their concern at the continued abuse of LGBT people by police authorities.

### SAN DIEGO MARCH: INTERNATIONAL ATTENTION

San Diego's AI group #137 enthusiastically promoted LGBT rights at this year's July 29th Pride March. With a focus on international LGBT issues, group members rode in the back of a pick-up truck down University Avenue while carrying large pictures of Mahmoud and Ayaz, two Iranian teens who were allegedly hanged for their sexuality in a controversial case last year. Despite the fact that the group did not consist of a "gaggle of half-naked buffed men," according to organizer Michael Mussman, the response from the crowd was overwhelming: "People really acknowledged us for who we are and what we stand for."





Please make sure to visit our website regularly for updates.

## AMNESTY INTERNATIONAL USA REGIONAL CONFERENCES

Each fall, AIUSA's five regions host their annual human rights conferences. The conferences cover a wide range of current human rights concerns globally and locally, including LGBT human rights issues. Important organizational policies are also discussed and debated. For more information, go to our website at [www.amnestyusa.org](http://www.amnestyusa.org), or contact your Regional office.

**October 13th-15th**

**Western Regional Conference  
Tucson, AZ**

Contact: [kbrown@aiusa.org](mailto:kbrown@aiusa.org); (310) 815-0450

**October 20-22**

**Mid-Atlantic Regional Conference  
Wilmington, DE**

Contact: [folagbaj@aiusa.org](mailto:folagbaj@aiusa.org); (202) 544-0200

**October 27-October 29**

**Midwest Regional Conference  
Chicago, IL**

Contact: [aportillo@aiusa.org](mailto:aportillo@aiusa.org); (312) 427-2060

**November 3-5**

**Southern Regional Conference  
New Orleans, LA**

Contact: [lmoye@aiusa.org](mailto:lmoye@aiusa.org); (404) 876-5661

**November 11-12**

**Northeast Regional Conference  
Boston, MA**

Contact: [cgabriel@aiusa.org](mailto:cgabriel@aiusa.org); (617) 623-0202

## OTHER CONFERENCES

**November 8-12**

**19th Annual Creating Change Conference  
Kansas City, MO**

The National Gay & Lesbian Task Force's annual conference is the largest national gathering of LGBT activists in the U.S. The conference strives to help build an LGBT movement that understands how various issues, such as racial justice, affect the lives and needs of LGBT people of all ages, races, ethnic and language origins, spiritualities, and incomes. For more information: <http://www.thetaskforce.org>; or call 1.888.627.8538. Look out for the OUTfront contingent at the conference.

## IMPORTANT DATES

**November 20**

**Transgender Day of Remembrance**

A day to memorialize those who were killed due to anti-transgender hatred or prejudice.

<http://www.gender.org/remember/day/index.html>.

**December 1**

**World AIDS Day**

There are forty million people who are living with HIV throughout the world – and that number increases in every region every day. World AIDS Day is an opportunity for people worldwide to unite in the fight against HIV and AIDS. Look for special Amnesty World AIDS Day action on the AIUSA website:

[www.amnestyusa.org](http://www.amnestyusa.org).

**December 10**

**Human Rights Day**

On 10 December 1948, the Universal Declaration of Human Rights (UDHR) was adopted unanimously by the United Nations. The UDHR declares that the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” Each year, Amnesty activists around the world celebrate International Human Rights Day to commemorate the UN adoption of the UDHR. Contact your Amnesty Regional Offices for specific events or check the website:

[www.amnestyusa.org](http://www.amnestyusa.org).



## LATVIA: SEXUAL ORIENTATION DISCRIMINATION IN EMPLOYMENT BANNED

On September 21, the Latvian parliament voted to support an amendment to the country's Labour Law to explicitly ban sexual orientation discrimination in employment. Latvia was previously the only member state of the European Union which did not comply with the 2000 EU employment equality directive requiring EU member states to protect employees from discrimination based on their sexual orientation.

AI issued a public statement on June 23 condemning Latvia's failure to ban discrimination based on sexual orientation in the work place. Subsequently, the AI EU Office was active in lobbying relevant actors in the EU including the Commissioner for Employment, Social Affairs and Equal Opportunities, Vladimir Špidla, who later publicly condemned Latvia for failing to ban discrimination based on sexual orientation in the work place. We are very happy that AI, together with primarily the EU and the International Lesbian and Gay Association (ILGA) and a few domestic actors, managed to put pressure on the Latvian legislature on this issue, and that our efforts were successful.

**HELP COMBAT HUMAN RIGHTS VIOLATIONS AGAINST LESBIAN, GAY, BISEXUAL, AND TRANSGENDER (LGBT) PEOPLE AROUND THE WORLD. JOIN AMNESTY INTERNATIONAL USA'S LGBT NETWORK OUTFRONT!**

I would like to become a member of Amnesty International and OUTFRONT.  
Enclosed are my membership dues:

- \$25: INDIVIDUAL     \$15: STUDENT     \$15: SENIOR/LIMITED INCOME
- My Amnesty International Student or Local Group would like to sign up for the OUTFRONT Network.
- I am currently a dues paying member of Amnesty International and would like to become a member of OUTFRONT.
- I understand that Amnesty International depends on the generosity of members. I want to make an additional contribution. For membership dues and a contribution combined, I am giving:
- \$50       \$75       \$100       OTHER \$

**PLEASE MAIL OR FAX THIS FORM WITH YOUR DUES AND DONATION TO:  
Amnesty International USA — OUTFRONT, 5 Penn Plaza, New York, NY 10001  
Telephone: (212) 807-8400 Fax: (212) 627-1451 NLGCB**

**CONTRIBUTIONS TO AMNESTY INTERNATIONAL USA ARE TAX-DEDUCTIBLE.**

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- YES, I want to sign-up for the OUTfront E-Action Network and receive monthly action alerts through my email:** \_\_\_\_\_  
(Email addresses are kept confidential.)

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**National Steering Committee**

The volunteer national steering committee works with the staff to shape the goals and priorities of the OUTfront program.

Christina Alvarez, Co-Chair

Shawn Gaylord, Co-Chair

Will Cordery, Somjen Frazer,

Jean Freedberg, Kim Mongoven,

Neha Shah

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**OUTFRONT**

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**AMNESTY INTERNATIONAL'S  
PROGRAM ON LESBIAN,  
GAY, BISEXUAL AND TRANS-  
GENDER HUMAN RIGHTS**

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