
amnesty international

APPEAL CASE – THE GIZA FOURTEEN - IMPRISONMENT FOR ACTUAL OR PERCEIVED SEXUAL ORIENTATION

June 2003

AI INDEX: MDE 12/028/2003

Sentencing of alleged gay men

On 17 April 2003 Giza Criminal Court, near Cairo, pronounced its verdict in the case of 16 men charged in connection with their alleged sexual orientation. Fourteen of the men were sentenced to between one and three-and-a-half years' imprisonment - three of them in absentia - while the two others were acquitted. Their appeal opened on 24 May 2003.

The following 11 men are currently serving their prison sentence: Walid Muhammad 'Abd al-Wahab Weshahi; Muhammad 'Umar Ibrahim; Ahmed Husni Mustafa; Muhammad 'Issa Sadeq; Husni Ibrahim Zaki; Anwar Kamal Anwar; 'Amr 'Abdel Na'im Mahmud; Muhammad 'Abd al-Latif Sayed; 'Amr Mustafa Wafiq; Khalid Muhammad Shawqi; and Muhammad Gum'a Bayumi.

Charges

The men were sentenced for "habitual debauchery". Although same-sex sexual relations are not explicitly prohibited under Egyptian legislation, the charge of "habitual debauchery" is applied to consensual sexual relations between adult men, which are effectively criminalized.

Torture or ill-treatment

Amnesty International received reports that the men were ill-treated during the initial period of detention while held at Giza Police Station.

In order to determine whether the men have engaged in sexual relations with other men,

they were forced to undergo anal examinations, which amount to cruel, inhuman and degrading treatment.

Persecution for sexual orientation

Gay men in Egypt suffer discrimination, persecution, imprisonment and violence simply for being who they are. Dozens of men are imprisoned in Egypt because of their actual or perceived sexual orientation.

Over the past year, several alleged gay men have been detained and tried after having agreed to meet people contacted over the internet who turned out to be security officers or police informants.

Amnesty International has received tens of allegations of torture and ill-treatment from men detained in connection with their alleged sexual identity. The men are most at risk in police stations, particularly during the initial period of detention.

Amnesty International considers all those who are detained solely on the grounds of their identity, including their actual or perceived sexual orientation, to be prisoners of conscience and calls for their immediate and unconditional release.

UN human rights bodies

Different UN human rights bodies have expressed their concerns regarding the treatment of men on the grounds of their actual or perceived sexual orientation. For example, in October/November 2002, during the examination of Egypt's report to the UN

Human Rights Committee, the Egyptian delegation stated that in Egypt “homosexuality was not a criminal offence in itself”. However, ongoing trials and imprisonment of people solely for their perceived or actual sexual orientation demonstrate that charges of “habitual debauchery” continue to be used to criminalize consensual sexual relations between men in private.

Following their examination of Egypt’s periodic report of its implementation of the International Covenant on Civil and Political Rights, the UN Human Rights Committee issued several recommendations, including that Egypt should 'refrain from sanctioning private sexual relations between consenting adults'.

What can you do?

You can write to the Egyptian authorities, in Arabic, English or your own language:

- calling for the immediate and unconditional release of all those imprisoned on the basis of their actual or perceived sexual orientation, including the men named above;
- stating that the criminalization of consensual sexual relations between adults of the same sex is discriminatory and a violation of international law;
- calling for prompt, thorough and impartial investigations to be opened into the allegations of ill-treatment and for those responsible to be brought to justice; and
- calling for an end to the practice of medical examinations to determine whether a suspect has engaged in anal sex, as these amount to cruel, inhuman and degrading treatment.

Please write letters to:

His Excellency Muhammad Hosni Mubarak
President of the Arab Republic of Egypt
`Abedine Palace
Cairo
Egypt
Fax: +20 2 390 1998
E-mail: webmaster@presidency.gov.eg
Salutation: Your Excellency

Mr. Faruq Sayf al-Nasr
Minister of Justice
Ministry of Justice
Midan Lazoghly
Cairo
Egypt
Fax: +20 2 795 8103
E-mail: moheb@idsc.gov.eg
Salutation: Dear Minister

To take further action on the persecution of alleged gay men in Egypt, please refer to the April 2003 issue of Amnesty International’s monthly magazine *The Wire*, available at www.amnesty.org. Further information on the ongoing pattern of arrest, detention, torture/ill-treatment and imprisonment of alleged gay men in Egypt can also be found on the website¹.

¹ *Egypt: Torture and imprisonment for actual or perceived sexual orientation* (AI Index: MDE 12/033/2001); *Egypt: Free those imprisoned for sexual orientation* (AI Index: MDE 12/009/2003).