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# amnesty international

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## APPEAL CASE EGYPT: IMPRISONMENT FOR ACTUAL OR PERCEIVED SEXUAL ORIENTATION IN AGOUZA

August 2003

AI INDEX: MDE 12/031/2003

### Sentencing of alleged gay men

On 23 February 2003 Agouza Court of Appeal, in Cairo, upheld sentences of three years' imprisonment of 11 men in connection with their alleged sexual orientation. The twelfth defendant, a minor at the time of arrest, was referred to a juvenile court, and sentenced to two years' imprisonment on appeal in April 2003. All 12 had been sentenced to three years' imprisonment at first instance.

Amnesty International considers the 12 men to be prisoners of conscience and calls for their immediate and unconditional release. They are: Sharif Hussein Ahmad Ibrahim, Muhsin Ramadan Tawfiq 'Abd al-Mun'im, Khalid Ramadan Mursi, Muhammad Ragab Mahmud Muhammad Kamal, Tamir Ibrahim Tahir Abadha, 'Amr Zaghlul 'Abd al-'Ati, 'Imad Hasan Muhammad Muhammad, Muhammad Ahmad Hamuda Hamad, Ramadan 'Awad Muhammad al-Bandari, Ahmad Isma'il 'Afifi Salim, Muhammad Hussein Abdullah and Ahmad Sami Muhammad Sa'id.

The men are currently serving their prison sentences in Borg al-Arab Prison, near Alexandria.

In recent weeks defence lawyers have applied for the case to be reviewed before the Court of Cassation. As yet, no decision has been taken as to whether this will be granted.

### Charges

The men were sentenced under Law 10 of 1961 on Combating Prostitution on charges of "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 Security Directorate.

In order to determine whether the men engaged in sexual relations with other men, they were forced to undergo anal examinations, which amounted to cruel, inhuman and degrading treatment. Results of these examinations were later used as the basis for their convictions.

### Persecution for sexual orientation

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

Discrimination is an assault on the very notion of human rights. It systematically denies certain people or groups their full human rights just because of who they are or what they believe.

Over the past year alone, 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 dozens 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.

### **Update on the Giza Fourteen**

Eleven of the 14 men, who were sentenced to between one and three-and-a-half years' imprisonment, were acquitted on appeal on 19 July 2003. The three others, who were sentenced in absentia, were not included in this appeal <sup>1</sup>.

Those working on behalf of the men in Egypt have expressed their thanks to Amnesty International and all those who sent appeals.

### **UN human rights bodies**

UN human rights bodies have expressed their concerns regarding the treatment of men on the grounds of their actual or perceived sexual orientation. 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 actual or perceived 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

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<sup>1</sup> For further details, please refer to *Egypt: Appeal case – the Giza Fourteen – Imprisonment for actual or perceived sexual orientation* (AI Index: MDE 12/028/2003)

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 12 men featured in this appeal;
- stating that the criminalization of consensual sexual relations between adults of the same sex is discriminatory and a violation of Egypt's obligations under international law;
- calling for a review of all legislation which could result in the prosecution and punishment of people solely for their sexual orientation;
- 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](mailto: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: [mojeb@idsc.gov.eg](mailto:mojeb@idsc.gov.eg)  
Salutation: Dear Minister

Counsellor Maher 'Abd al-Wahid  
Public Prosecutor  
Dar al-Qadha al-'Ali  
Ramses Street, Cairo, Egypt  
Telegrams: Public Prosecutor, Cairo, Egypt  
Fax: + 202 577 4716  
Salutation: Dear Public Prosecutor

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 website <sup>2</sup>.

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<sup>2</sup> *Egypt: Torture and imprisonment for actual or perceived sexual orientation* (AI Index: MDE

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12/033/2001); *Egypt: Free those imprisoned for sexual orientation* (AI Index: MDE 12/009/2003).

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