# AMNESTY INTERNATIONAL PRESS RELEASE

19 December 2001

AI Index MDE 12/034/2001 - News Service Nr. 225

## Egypt: Torture and imprisonment for actual or perceived sexual orientation

Amnesty International today deplored the decision of the Cairo Juvenile Appeal Court for Misdemeanours, confirming the conviction of 17-year-old Mahmud for "habitual debauchery". The Court reduced an earlier sentence of three years' imprisonment to a six-month term.

"This trial should never have taken place. The detention or imprisonment of anyone solely on the basis of their actual or perceived sexual orientation is discriminatory and violates international human rights law and practice," the organization said.

Tomorrow, on 20 December, Amnesty International launches a report, *Egypt: Torture and imprisonment for actual or perceived sexual orientation,* in which it condemns the effective criminalization of consensual sexual relations in private between men. Gays in Egypt suffer discrimination, persecution and violence because their actual or perceived sexual orientation is deemed to threaten socially accepted norms.

The case of 17-year old Mahmud is yet another sad example of the failure of the Egyptian authorities to protect its citizens from human rights violations, including torture and imprisonment. On 14 November 2001, in a related case, twenty-one men were sentenced for "habitual debauchery", one for "contempt of religion" and another for both charges, to prison terms of between one and five years. Amnesty International has adopted 22 of the 23 men as prisoners of conscience. The case of the twenty-third is still under consideration by the organization.

"People who are detained or imprisoned solely on the grounds of their identity, including their actual or perceived sexual orientation, are prisoners of conscience and should be immediately and unconditionally released," Amnesty International said.

The convictions of the 23 men followed their trial before the (Emergency) State Security Court for Misdemeanours, an exceptional court which denies defendants the fundamental right to appeal. Unlike in the case of the juvenile, the men have no recourse to a review of their conviction. The trial also contravened principles of independence of the judiciary as its verdicts have to be have to be submitted to the Military Governor, who ultimately decides whether to uphold or quash the verdict or order a retrial. Such interference by the executive powers constitutes a flagrant violation of the UN Basic Principles on the Independence of the Judiciary.

Amnesty International has received several reports of Egyptians, who have been tortured simply for who they are. Since the beginning of 2001 alone, dozens of people have been detained for months solely for their actual or perceived homosexuality. Detainees reported that they were tortured, including being beaten with a stick on the soles of the feet (*falaka*). Following their arrest, most men were detained in police stations, where they were beaten and verbally abused by police officers. One of them told Amnesty International: *"The real beatings started in the police station. They beat us with their hands and legs and with a cane and a thick stick. Then they made us strip down to our underwear and the insults and humiliation continued."*

Amnesty International calls on the Egyptian authorities to:

*release immediately and unconditionally all those imprisoned on the basis of their actual or perceived sexual orientation;*

*review all legislation, in violation of international human rights law and practice, which could result in the prosecution or punishment of people solely for their sexual orientation or gender identity and for the mere exercise of the right to freedom of thought, conscience and religion;*

*ensure that all allegations of torture are investigated promptly, thoroughly and impartially;*

*guarantee all accused the right to a fair and free trial, including the right to appeal before a higher tribunal;*

*improve safeguards for children, and guarantee that no juvenile is interrogated without the presence of a parent, guardian or legal counsel.*

The report; *Egypt: Torture and imprisonment for actual or perceived sexual orientation*, can be accessed as of 20 December 2001, via the Amnesty International website at: http://www.amnesty.org

\ENDS

public document
**********

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW web : http://www.amnesty.org