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Egypt: Spreading Crackdown on HIV Endangers Public Health Rights Violations Drive Those in Need Underground

(New York, February 14, 2008) – Cairo police arrested four more men suspected of having HIV, signaling a wider crackdown that endangers public health and violates basic human rights, Amnesty International and Human Rights Watch said today in a joint statement.

The recent arrests bring to 12 the number of men arrested in a campaign against people police suspect of being HIV-positive. Four have already been sentenced to a year in jail and eight are still in custody. The two organizations called on Egyptian authorities to respect the men's human rights and to immediately release them so as not to cause lasting damage to the country's HIV/AIDS prevention efforts.

"In their misguided attempt to apply Egypt's unjust law on homosexual conduct, authorities are carrying on a crackdown against people living with HIV/AIDS," said Rebecca Schleifer, advocate for the HIV/AIDS and Human Rights Program at Human Rights Watch. "This not only violates the most basic rights of people living with HIV. It also threatens public health, by making it dangerous for anyone to seek information about HIV prevention or treatment."

The most recent arrests occurred after police followed up on information coerced from men already in detention, according to the Health and Human Rights Program of the Cairo-based Egyptian Initiative for Personal Rights (EIPR). Two of the newly detained men tested positive for HIV. One had his detention extended by 15 days at his February 12 court hearing, with the prosecutor and judge both claiming he was a danger to public health. Another has a hearing scheduled for February 23.

As in all previous cases, authorities forced the new detainees to undergo HIV testing without their consent. All those testing positive have been held in Cairo hospitals, chained to their beds.

"Arbitrary arrests, forcible HIV tests, and physical abuse only add to the disgraceful record of Egypt's criminal justice system, where torture and ill-treatment are greeted with impunity," said Hassiba Hadj-Sahraoui, deputy director of Amnesty International's Middle East and North Africa Program.

The wave of arrests began in October 2007, when police intervened between two men having an argument on a street in central Cairo. When one of them told the officers that he was HIV-positive, police immediately took them both to the Morality Police office and opened an investigation against them for homosexual conduct. Police demanded the names of their friends and sexual contacts during interrogations.

The two men told lawyers that officers slapped and beat them for refusing to sign statements the police wrote for them. The men spent four days in the Morality Police office handcuffed to an iron

desk, and were left to sleep on the floor. Police later subjected the two men to forensic anal examinations designed to “prove” that they had engaged in homosexual conduct.

Such forcible examinations to detect “evidence” of homosexuality are not only medically spurious, but also can amount to torture.

Police then arrested two more men because their photographs or telephone numbers were found on the first two detainees. Authorities subjected all four men to HIV tests without their consent. All four are still in detention, pending prosecutors’ decisions on whether to bring charges of homosexual conduct. The first two arrestees, who reportedly tested HIV-positive, are still being held in hospital, handcuffed to their beds.

A prosecutor reportedly told one of the men who tested positive for HIV: “People like you should be burnt alive. You do not deserve to live.”

In November 2007, police raided an apartment where one of these men had previously lived, and arrested four more men. All were charged with homosexual conduct. These men told lawyers that police ill-treated them by beating one across the head, and forcing all four to stand in a painful position for three hours with their arms lifted in the air. Authorities also tested these men for HIV without their consent.

A Cairo court convicted these four men on January 13, 2008 under Article 9(c) of Law 10/1961, which criminalizes the “habitual practice of debauchery [fujur]” – a term used to penalize consensual homosexual conduct in Egyptian law. Defense attorneys told Amnesty International and Human Rights Watch that the prosecution based its case on the coerced and repudiated statements taken from the men, without providing witnesses or other evidence to support the charges, which all the men denied. On February 2, 2008, a Cairo appeals court upheld their one-year prison sentences.

Criminalizing consensual, adult homosexual conduct is a violation of Egypt’s obligations under international human rights law to respect and protect individual privacy and personal autonomy. The apparent use of Article 9(c) in these cases to detain people on the basis of their declared HIV status, and to test them without their consent for HIV infection, also violates those international protections, as well as the prohibition on arbitrary detention. Amnesty International considers that the imprisonment of individuals for actual or alleged consensual same-sex relations between adults in private is a grave violation of human rights, and that individuals held solely on that basis are prisoners of conscience who should be immediately and unconditionally released.

Amnesty International and Human Rights Watch urged the Egyptian authorities to immediately cease any arrests based on people’s real or suspected HIV status. In addition to seeking the release of all 12 men, the two organizations also called on authorities to end the practice of chaining detainees to their hospital beds, and to ensure that the men receive the highest available standard of medical care for any serious health conditions.

The two organizations urged Egypt to undertake training for all criminal-justice officials on medical facts and international human rights standards in relation to HIV, and to halt immediately all testing of detainees without their consent.

For more Human Rights Watch reporting on the current crackdown, please visit:

<http://hrw.org/english/docs/2008/02/05/egypt17972.htm>

To read the March 2004 Human Rights Watch report, “In a Time of Torture: The Assault on Justice in Egypt’s Crackdown on Homosexual Conduct,” please visit:

<http://hrw.org/reports/2004/egypt0304/>

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