

27 March 2002

Further information on UA 22/02 (MDE 12/004/2002, 24 January 2002) - Risk of torture/ill-treatment New concern: Prisoners of conscience

EGYPT Five men detained in connection with their actual or perceived sexual orientation

The five men detained in January, were sentenced on 11 March, by a criminal court in Damanhour, near Alexandria, to the maximum three-year prison sentence on charges of "habitual debauchery". Amnesty International believes that the men were convicted solely on the grounds of their actual or perceived sexual orientation and considers them to be prisoners of conscience.

The men report that they were tortured and ill-treated, including being beaten with sticks, at the police station of Damanhour's first precinct and Damanhour Prison. They were also reportedly forced to undergo medical examinations, conducted in order to determine whether they had engaged in anal sex. Such examinations amount to cruel, inhuman and degrading treatment.

BACKGROUND INFORMATION

The sentencing of the five men follows a pattern of arrest and detention of men for their alleged sexual orientation in Egypt. In November 2001 the Emergency State Security Court for Misdemeanours in Cairo, an exceptional court established under emergency legislation, sentenced 23 men to prison terms of between one and five years. Twenty-one were convicted of "habitual debauchery", one of "contempt of religion" and another on both charges. Amnesty International has adopted 22 of the 23 men as prisoners of conscience and calls for their immediate and unconditional release. In February 2002, four other men were sentenced to three years' imprisonment by a criminal court for "habitual debauchery".

Men detained for their actual or perceived sexual orientation in Egypt face a heightened risk of torture and ill-treatment in police stations, prisons and other detention centres, by members of the security forces and prison staff as well as other detainees. Detainees are at particular risk of torture and ill-treatment during the initial weeks in custody while they have only limited access to the outside world. The torture they have reported includes being beaten with a stick on the soles of the feet (known as *falaka*).

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Arabic or your own language:

- urging the authorities to release immediately and unconditionally anyone imprisoned solely for their actual or perceived sexual orientation;
- urging the authorities to ensure that the five men are humanely treated in detention and protected from torture and ill-treatment at the hands of police, prison wardens and other detainees;
- urging the authorities to ensure prompt, thorough and impartial investigations into the allegations of torture or ill-treatment and to ensure that those responsible are brought to justice - reminding the government of the absolute prohibition on torture in customary international law and of their commitment to the Universal Declaration of Human Rights, in particular Article 5: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment";

- calling on the authorities to end the practice of medical examinations to determine whether a suspect has engaged in anal sex, as these amount to cruel, inhuman and degrading treatment.

APPEALS TO:

His Excellency Mohammad Hosni Mubarak
President of the Arab Republic of Egypt
'Abedine Palace, Cairo, Egypt
Telegram: President Mubarak, Cairo, Egypt
E-mail:webmaster@presidency.gov.eg
Fax:+ 202 390 1998
Telex:93794 WAZRA UN
Salutation:Your Excellency

His Excellency General Habib al-Adeli
Minister of the Interior
Ministry of the Interior
Al-Sheikh Rihan Street
Bab al-Louk, Cairo, Egypt
Telegram:Minister Interior, Cairo, Egypt
E-mail:moi@idsc.gov.eg
Fax: + 202 579 2031
Salutation:Dear Minister

His Excellency Mr Faruq Sayf al-Nasr
Minister of Justice
Ministry of Justice
Midan Lazoghly, Cairo, Egypt
Telegrams:Minister Sayf al-Nasr, Cairo, Egypt
E-mail: moheb@idsc.gov.eg
Fax:+202 795 8103
Salutation: Dear Minister

COPIES TO:

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

and to diplomatic representatives of Egypt accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 8 May 2002.