

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Unlawful Arrests Undermine Basic Freedoms, Rule of Law

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(Beirut) [Egyptian](#) authorities should immediately release seven men arrested on September 6, 2014 for allegedly inciting debauchery, Human Rights Watch said today. Prosecutor General Hisham Barakat ordered the men detained and physically examined after an online video emerged showing the men attending what appeared to be a same-sex marriage ceremony on a Nile riverboat.

The arrests are the latest of a long line of cases in which Egyptian authorities have persecuted men suspected of homosexual conduct. In the most recent convictions, in April, four men were sentenced to up to eight years in prison.

Over the years, Egyptian authorities have repeatedly arrested, tortured, and detained men suspected of consensual homosexual conduct, said [Graeme Reid](#), director of the [lesbian, gay, bisexual, and transgender \(LGBT\) rights program](#) at Human Rights Watch. These arrests represent another assault on fundamental human rights and reflect the Egyptian governments growing disdain for the rule of law.

In a [statement](#) announcing the arrests, the prosecutor generals office accused the men of broadcasting footage that violates public decency, and urged investigators to quickly refer the suspects to trial, to protect social values and mete out justice. The state news agency said that authorities are still searching for two men allegedly involved in the incident, which they have described as a devilish shameless party.

One of the men involved in the incident [reportedly phoned](#) in to an Egyptian television news program to deny that he was homosexual or that the filmed event was a gay marriage. He said the publication of the video, on YouTube, had made him afraid to appear in public.

As the prosecutor general had directed, the arrested suspects were subjected to forensic anal examinations a procedure which the Egyptian authorities have used repeatedly in cases of alleged homosexual conduct and which violates international standards against torture. In the past, those subjected to the examinations in Egypt [said they were forced](#) to bend over while a government doctor working for the police massaged their buttocks and examined and sometimes probed their anus.

Findings from such examinations have been used in court, though experts have dismissed them as medically and scientifically useless in determining whether consensual anal sex has taken place. Hisham Abdel Hamid, a spokesman for the Health Ministrys Forensic Medical Authority, announced on September 8 that, based on results of the forensic anal exams, the men were not homosexuals.

Egypt does not explicitly criminalize same-sex sexual relations between consenting adults, but same-sex marriage is not legal, and authorities have routinely arrested people suspected of engaging in consensual homosexual conduct on charges of debauchery. In October 2013, prosecutors ordered 14 suspects detained and subjected to anal examinations for engaging in homosexual conduct at a medical center in Cairo. In April, four men were convicted of debauchery and sentenced to up to eight years in prison after holding parties where authorities found makeup and womens clothing and which allegedly involved consensual homosexual conduct.

The largest such case in recent Egyptian history, known as the Queen Boat Trials, occurred in 2001 with the [arrests of more than 50 men](#) allegedly involved in a party at a discotheque on a cruise vessel moored in the Nile.

Egyptian authorities have also sexually assaulted women using the excuse of similarly abusive medical examinations. In 2011, [seven women were subjected](#) to virginity tests by military authorities after protests in Tahrir Square. The military has never adequately investigated the assaults or held any officer accountable.

In 1994, the United Nations Human Rights Committee ruled in the case of *Toonen v. Australia* that laws criminalizing consensual homosexual conduct between adults violate the rights to nondiscrimination and privacy. The committee monitors state compliance with the International Covenant on Civil and Political Rights, to which Egypt is party. Furthermore, Egypts use of forensic anal examinations

violates international standards against torture. The U.N. Committee Against Torture, in its 2002 review of Egypt, investigated the issue of forensic anal examinations and called on the government to prevent all degrading treatment on the occasion of body searches.

In the 14 months since President Mohamed Morsi was ousted by the military, at least 22,000 Egyptians have been arrested, many of them for expressing political dissent. One Egyptian non-governmental organization has documented over 41,000 arrests or indictments in the same period. Authorities have held many detainees without charge or trial for months, amid mounting reports of torture and other ill-treatment of detainees.

Egyptian authorities should immediately end the practice of arbitrarily arresting and torturing adults who are privately engaged in consensual sexual relations, Reid said. These latest arrests are an ominous indication that President al-Sisi's government will show no greater respect for the rights of vulnerable groups than its predecessors.

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