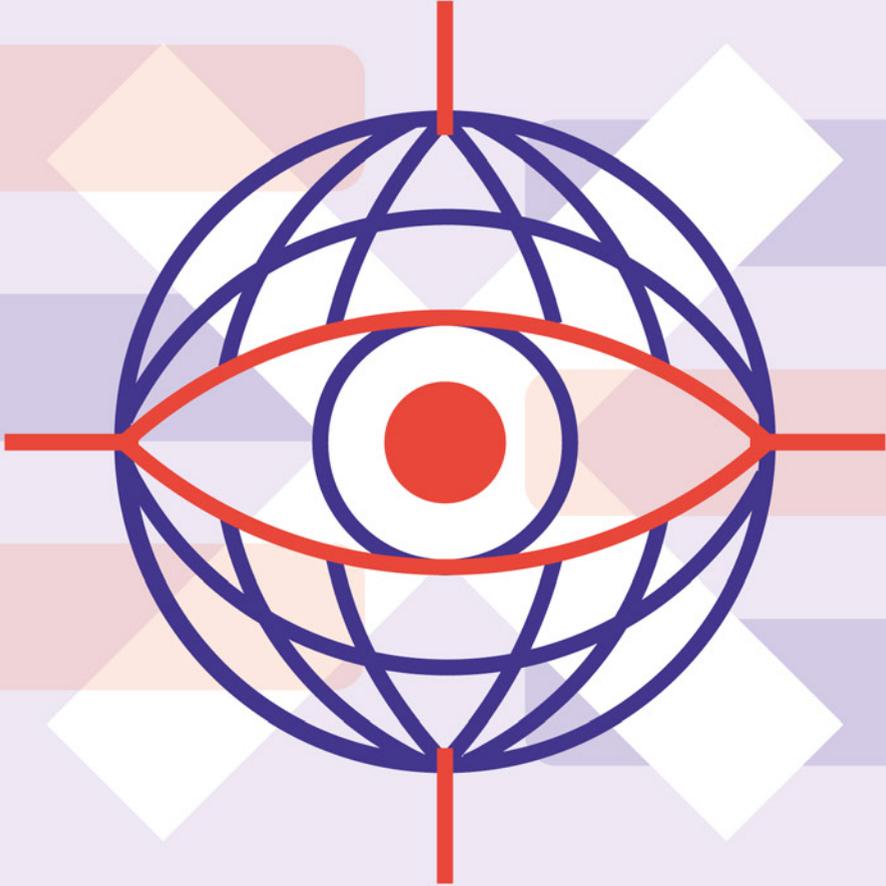




Egyptian Initiative
for Personal Rights



THE TRAP

Punishing sexual difference in Egypt

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Egyptian Initiative for Personal Rights

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EXECUTIVE SUMMARY

In this report, the Egyptian Initiative for Personal Rights, documents a four-year period in which Egyptian police have escalated a targeted crackdown on people whose sexualities or sexual practices, actual or perceived, differ from those considered normative in Egyptian society. Especially if they were homosexual or men who practice sex with men, or those suspected as such, or transgender persons. It is the campaign which reached its climax last month, with the arrest of more than 75 people against the backdrop of the ‘waving the rainbow flag’ incident. The flag known as a symbol of diversity and accepting different sexual orientation and gender identities, was waved during a concert in one of the malls in Cairo. The report tries to clarify that the late campaign, which garnered the attention of International Rights NGOs and global media, is nothing but a link in the systematic targeting that this report is trying to document.

The average number of individuals arrested and referred to court per year in cases like these, rose from the last quarter of 2013 onwards, reaching almost five times the average number of arrests in previous years. In the period from October 2013 to March 2017, the total number of people arrested and prosecuted in such cases has reached 232 people — an average of 66 people per year — a figure far exceeding the figure of 189 individuals, with an average of 14 people per year in the 13 years prior to the start of the crackdown (2000-2013).

This report follows the journey of some of those arrested, from entrapment to imprisonment, in order to analyse the patterns of this security campaign against those considered to have non-normative sexualities. The report also analyses the roles of different actors in the criminal justice system, including the police, prosecution and Courts of Appeal, as well as the legal loopholes employed by this campaign and the way in which it violates a number of established legal and constitutional principles.

The report relies mostly on a legal analysis of 25 cases, testimonies from individuals detained in the crackdown and interviews with their family members and lawyers who specialize in such cases. It also examines Egyptian media coverage, not only of the crackdown on LGBTQ individuals, but also of incidents of blackmail, theft and what might be considered hate crimes against gay men and transgender women.

The appendices of the report include a number of testimonies from individuals arrested, accused and formerly imprisoned, in cases of “habitual practice of debauchery”¹. As well as statistics of the legal cases and the media coverage that accompanies it, and examples of the defence memos. In addition to, the text of law no. 10 for the year 1961, criminalizing prostitution, who’s vague and confused articles are used against individual who profess sexual difference, for the sake of accusing of them with “habitual practice of debauchery” or publishing material that incite it.

Cairo occupies the first place with the highest incidence of targeting of those who are LGBTQ or perceived as such, a total of 128 arrests during the three-and-a-half year period covered in the study. The neighbouring governorate of Giza was second with 73 arrests, followed by Alexandria with 26

1- All the names mentioned in the report, are aliases as requested by those interviewed and to safeguard their safety

arrests, the Red Sea with 11 arrests, then Ismailia and Damietta with two arrests in each governorate and finally Qalyubiya where one arrest was documented.

The cases covered in the report point to three main strategies and practices used by the General Directorate for Protecting Public Morality (referred to as Morality Police throughout) within the Ministry of Interior. The first and most common strategy is the entrapment of individuals, especially transgender women, through fake accounts on LGBTQ dating websites and applications. The second strategy is the deportation of gay or trans foreign nationals or those perceived to be as such, even when practice of habitual debauchery charges are not upheld. The third is the creation of major sex scandals that receive exceptional media attention.

The report criticizes the general prosecution's bias and its deputy prosecutors preconceived positions towards defendants in these cases. In 23 cases the general prosecution charged the defendants with accusations pertaining to law no. 10. We found that the most recurrent accusations were "habitual practice of debauchery", which was listed in all cases, followed by, accusation of advertising material that incites debauchery on the internet, in 14 cases. And lastly, eight cases that included accusation of running a house, locale, residence for debauchery purposes or inciting it. The report's legal analysis and explanations of the practices of prosecution, the courts, and Forensic Medicine Authority demonstrate the confusion around legal definitions of the articles used to level out these charges. And how it resorts to unscientific and objectionable means, according to International Law, when examining the defendants and subjecting them to those humiliating methods. And finally the report also highlights the luring of the defendants financially, which in itself constitutes an incitement charge according to the law.

The way that most news websites covers incidents of arrest of LGBTQ individuals creates a state of moral panic in society. The method used, through which LGBTQ individuals are demonized, defamed and represented as subhuman, includes sensationalist, exaggerated headlines such as, "The capture of the largest ring of sexual deviants". The media also uses terms, that are morally charged and that denigrates arrested LGBTQ individuals and strips away their dignity (referring to them as, 'sexual deviants', 'third sex', or associating them with 'drugs'). This coverage portrays those individuals as such, identifying them as a threat to the moral fabric of society, depicting them as violent and representing a danger to citizens. This is especially so for individuals living with HIV/AIDS.

The report concludes that the expanded use of Law 10/1961 to criminalize consensual sexual activity between adults, only because such practices go against societal norms, is a clear violation of the individuals' right to privacy and the freedom to undertake whichever choices pertain to their sexuality. The report offers the following recommendations:

- For the police to stop luring and trapping individuals through applications and private dating websites through financial solicitation.
- To hold accountable all police personnel who are allegedly involved in the beating, insulting and humiliating of arrested individuals in such cases, as well as threatening them with sexual assault.
- Prohibit the press and media from photographing those arrested and violating their privacy and publishing information and details of their personal lives.
- To cease criminalizing the possession of beauty products, women's clothing, condoms and other objects whose possession is not deemed a crime in of itself and cannot be represented as evidence.
- To prohibit forced anal examinations.
- To allow sufficient time for lawyers to examine arrest and investigation reports.

INTRODUCTION

The Egyptian Initiative for Personal Rights has observed an exponential increase in the number of individuals arrested because of their private sexual practices and/or sexual orientation from October 2013 onwards. In what is now known as the as the Public Morality Investigation Unit's campaign against LGBTQ individuals and men who have sex with men or those perceived as such.

This increase in the rate of arrests can be observed by comparing the number of those arrested on charges of debauchery or publicizing material inciting debauchery according to law 10/1961, in the decade that preceded the campaign to the numbers of those arrested during the time-frame under consideration.

According to an article on Youm7 news website citing police statistics, the original source could not be located, the number of people arrested on these charges in the 13 years from 2003 to 2013 reached 185². If we compare this figure with the estimated number of individuals who were arrested for the same charges since the end of 2013 and March 2017, which EIPR estimates based on media monitoring (appendix 1) we find that the number jumps to 232 individuals, bearing in mind this represents the minimum number of those who were arrested. This serves to show that the average number of individuals that are being arrested every year for habitual practice of debauchery charges increased five fold during the last security crackdown. And if the average number of individual arrested annually is around 14, then this average has increased to 66 individual during the crackdown.

A breakdown of the habitual practice of debauchery charges seen by the prosecution in the period October 2013-March 2017 is as follows:

26 people in 3 cases in the last quarter of 2013:

Cairo: 14 — Giza: 10 — Red Sea: 2

81 people in 18 cases in 2014

Cairo: 58 — Giza: 7 — Alexandria: 12 — Red Sea: 3 – Ismailia: 1

69 people in 31 cases in 2015

Giza: 36 – Cairo: 25 – Alexandria: 5 – Damietta: 2 – Red Sea: 1

44 people in 26 cases in 2016

Giza: 18 – Cairo: 16 – Alexandria: 9 – Ismailia: 1

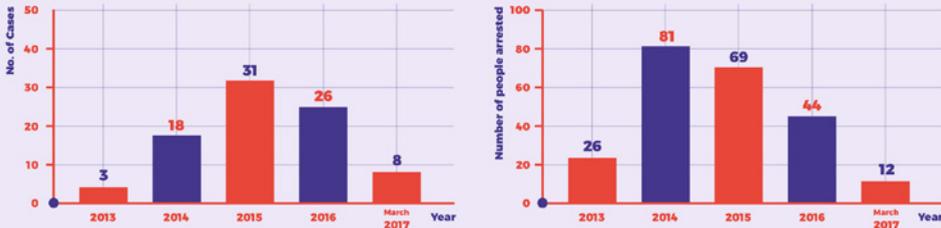
12 people in 8 cases in first quarter of 2017

Red Sea: 5 – Cairo: 4 – Giza: 2 – Qalyubiya: 1

2- Ibrahim, Mohamed. «Morality Police: 185 Sexual Deviants Arrested in Egypt during the Past 13 Years». Youm7. 25 September 2013. Accessed 13 November 2017

<http://www.youm7.com/story/2013/9/25/%D9%85%D8%A8%D8%A7%D8%AD%D8%AB-%D8%A7%D9%84%D8%A2%D8%AF%D8%A7%D8%A8-%D8%B6%D8%A8%D8%B7-185-%D8%B4%D8%A7%D8%B0%D8%A7%D9%8B-%D8%AC%D9%86%D8%B3%D9%8A%D8%A7%D9%8B-%D9%81%D9%89-%D9%85%D8%B5%D8%B1-%D8%AE%D9%84%D8%A7%D9%84-13/126674>

Number of people arrested for charges related to habitual practice of debauchery



Cairo comes first in targeting gay men and transgender individuals or those perceived as such, with a total of 128 arrested during the period under observation, Giza comes next with 73 arrested individuals during the three and a half years of observation, Alexandria comes third with 26 arrested individuals, The Red Sea governorate comes next, with 11 arrested individuals, followed by Ismailia and Damietta with two arrests in each and lastly, Qalyubia with one arrest case.

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The highest incidence of arrests of gay men, transgender women or those perceived as such, was in Cairo with a total of 128 arrests during the three-and-a-half year period covered in the study. The neighbouring governorate of Giza was second with 73 arrests, followed by Alexandria with 26 arrests, the Red Sea with 11 arrests, then Ismailia and Damietta with two arrests in each governorate and finally Qalyubiya where one arrest was documented.

Methods of Arrests



#TheTrap

Electronic entrapment comes at the forefront of methods used to track down and arrest individuals. Among 232 individuals arrested 129 were arrested via dating and social networking websites, 39 through police reports received from domestic residence, 19 arrested through raiding their residence, 10 others after being put under surveillance, 6 men were arrested for wearing women’s clothes, 3 were arrested on the street, 6 from hotels and 10 through campaigns and finally 3 arrested without stating the means or conditions of arrest.

As can be observed, although there was a significant increase in number of cases for the years succeeding 2014, yet the total number of those arrested was less, due to the increase in personally targeting those arrested, in addition to online entrapment increasing as well.

This report relies on a legal analysis of 25 cases, along with testimonies from the defendants, interviews with their parents, and with a number of lawyers who specialize in such cases. These lawyers spoke with EIPR sharing their comments and opinions with regards how the criminal justice system in Egypt deals with such cases, as well as, understanding the litigation strategies that rights lawyers use in debauchery cases, and related crimes such as public indecency, and operating a residence for the purpose of debauchery or prostitution.

The report's appendices include information on Egyptian media coverage, during the period of documentation, and number of defence memos which were used by lawyers who participated in defending those arrested in these cases. In addition to, a copy of law 10/1961 concerning combatting prostitution and debauchery.

POLICE

This section starts with discussing the role of the police. More specifically the activity of the internal and external units for protecting public morality and their role in tracking and spying on the lives of LGBTQ individuals or those perceived as such. Starting with documenting the key patterns that the police adopt in arresting them, along with documenting the kinds of violations that these individuals are subjected to in police stations and while they are being arrested.

This security crackdown is led by the General Directorate for Protecting Public Morality. The cases files and the media coverage point out to three main patterns in this crackdown. The first and most common is the entrapment of individuals, especially transgender women, through fake accounts on LGBTQ dating websites and applications. The second pattern is the deportation, by the Ministry of Interior, of foreign nationals who are or are suspected of being gay or trans even when debauchery charges are not upheld, and sometimes without even the cases going to court. The third is the creation of major sex scandals that receive exceptional media attention, such as the raid of Bab al-Bahr bathhouse in 2014, the case known in the media as the “gay wedding” case, or the arrest of a famous businessman. Or the late incident of waving a rainbow flag during a music concert and the subsequent launching of a vicious campaign on LGBTQ individuals in its aftermath. The remaining cases vary between men who dress in women’s clothes, in addition to the usual methods of reports received by the police. For example those incidents which are reported by neighbours, or hotel staff if they notice the presence of LGBTQ individuals or when sexual practices, deemed unacceptable, take place. In those coming few pages we will examine these patterns in details.

First: The War on Dating Websites and Applications

The Morality Police’s entrapment strategy of LGBTQ individuals or those perceived as such, has moved away from tracking accounts of individuals who are open about practising commercial sex toward targeting and entrapping the majority of individuals on dating applications and websites, whether in exchange for money or not. In contrast to the anti-prostitution law which incriminates the provider of sex not the client, applying the articles of habitual practice of debauchery -at least on the level of the law enforcement- the police do not differentiate between those who sell, those who buy and those who engage in sexual activity without monetary exchange. This development can be observed in the police reports.

During the first year of the security crackdown, the police reports indicate that the arrests were the result either of reports by citizens or the online advertisement of homosexual sex in exchange of payment.

The following is an excerpt from a 2014 police report in the first year of the crackdown:

“In compliance with the warrant from the Public Prosecution to arrest those investigated as soon as they carry out their sinful activity and to search the apartment in building [] in the jurisdiction of [] police station, and apprehending those present in the residence while committing the crime of practising debauchery and to

confiscate the tools of the crime as well as any thing that might present itself accidentally during the search and whose possession is deemed punishable by law. This warrant was issued based on what undercover investigations conducted on escort.com website, and the pages existing there, where these girls are advertised.”³

Another police report from the same year reads:

“The General Directorate has received complaints by phone regarding a page on Facebook and on www.tsdating.com website of a person called [] who is advertising himself for practising debauchery with men in exchange of monetary sums, amounting to LE1000 an hour, and that he uses the phone number [] to arrange these sinful meetings with men seeking forbidden pleasure, in violation of Law 10/1961. Undercover investigations and field monitoring have confirmed the allegations and that tsdating website is a pornographic website where sexual deviants advertise their services to practice debauchery in exchange for monetary sums that they receive.”⁴

2015 represents the beginning of when the Morality Police began its systematic, electronic campaign on LGBTQ dating and social applications and websites as we have come to know it now. The Morality Police seeks, via this campaign, to arrest LGBTQ individuals through luring them and making arrangements to have sex and then ambushing them. This is the main method of entrapment and accusing individuals with practising habitual debauchery as well as advertising such practice. Through this strategy, an officer or informant creates fake accounts on LGBTQ dating websites and lures individuals in, initiating chats with individuals for a period of time that varies in length. Meetings are not rushed, and the individual is often encouraged to send pictures of themselves. Sometimes the police pretend to be rich visitors from the Gulf, luring their interlocutors with money. And finally when a place to meet is agreed upon, and the person goes to the agreed location, he is ambushed by a set up and arrested. He is then taken to a police station or the morality police section in the al-Mogamma on Tahrir Square⁵.

Since the beginning of 2015, EIPR has observed an almost fixed permeable, in most of the police reports, that goes as follows:

“Based on the directions of the Deputy Minister for Social Security and the Head of the General Directorate to Protect Public Morality to intensify efforts to combat all crimes that affect the values and morals of Egyptian society, and to combat the sinful activities of international prostitution rings that target the nation’s youth, particularly the recent emergence of pornographic websites and social media platforms.”⁶

Although the lead-up to the entrapment may last days or weeks, and sometimes months, yet in many cases the prosecution does not issue an arrest warrant for the tracked person, because eventually he is arrested on the street when no crime has been committed.

In one such case, Firas, a refugee, arranged a meeting at Mesaha Square in Dokki with someone via one of the websites, in June 2015. In an interview with an EIPR researcher, Firas recounted, “He had asked me to buy condoms and some supplies for the evening. I went there with these things — which were later confiscated [as evidence] for the case — and I waited. He was late, so I sent him a message saying that he’s late and that I have the right to leave, and he replied apologizing and blaming the traffic.”

3- Case no 9071, Nozha Misdemeanours 2014

4- Case no. 2 Zaharaa Madinat Nasr 2014

5- Al-Mogamma is a large administrative complex in downtown Cairo containing numerous governmental agencies as well police departments (Translator’s note)

6- Case no. 2864 Omraniya Misdemeanours 2015
Case no. 9511 Dokki Misdemeanours 2015

Firas' police report states that:

“there had not been enough time to write an investigation report and submit it to the prosecution for an arrest warrant and for fear that the duration of the crime committed will run out”.

This was despite the fact that they had been conversing on dating websites for a significant period of time.

After the permeable quoted above, the police report mentions the dating website and continues as follows:

“We have noticed one account on the website by the name [] where a person offers to practice debauchery in exchange for payment. We used our undercover sources to initiate a conversation with him on the website “Manjam” and then on Whatsapp and agreed to meet him to practice debauchery in exchange for a payment of LE500 an hour. Our source agreed to meet him in front of [] store in Sudan street in the jurisdiction of Agouza police station and he has sent a picture so that he is recognized when he meets our source.”

The systematic nature of the tracking and entrapment can also be seen in the media coverage of habitual practice of debauchery cases in 2015, as detailed in the section concerning the media.

The Morality Police builds its cases against gay men and transgender women, or individuals perceived as such, through electronic tapping, which is a clear violation of the law. It is legally established that practising deceit to uncover a crime does not affect the legitimacy of the arrest but this is only in cases where a crime actually occurs, such as a vendor selling a counterfeit product to an undercover police officer. However, when the crime — practising debauchery in this case — does not occur, and the only evidence is electronic conversations, this constitutes a crime of incitement of debauchery according to section (a) of Article (2) of Law 10/1961 which states that it is punishable by the penalty stated in section (b) of the previous article to **“anyone who employs, persuades or induces a person, be they male or female, with the intention of committing debauchery or prostitution and this is by means of deception, force, threats, abuse of authority or other means of coercion.”**⁷

Even if we hypothetically concede that consensual relations between men is criminalized, Morality Police in these cases (as police reports show and testimonies gathered by the report researchers) are keen to take specific steps, in addition to printing electronic chats, to use them as evidence against the person being tracked. These are:

1. Trying to assert that it is commercial sex being discussed, even resorting to framing it as such.
2. Focusing on evidence such as women's clothing, wigs, and especially condoms. This usually happens through the undercover officer asking the person they are communicating with to bring condoms, only to be used against them as evidence, or planted as evidence, even if the individual does not have them in their possession at the time of arrest.
3. Making sure to construct a specific scenario where the person arrested is pressured to confess that he was subject to sexual assault as a child and therefore became a “sexual deviant”. And that he has been involved in a number of sexual relations since then, so that the aspect of “habituality” can be established in the crime.

⁷- Defence memorandum presented by lawyer Ahmed Hossam, to Primary North Giza Court, Misdemeanour Appeals Circuit of Dokki, 2015

Below is an excerpt from an interrogation report in 2014:

In the interrogation of the aforementioned, he said that his name is [] and that he was born on [] and that he has been practising debauchery since a young age. He said that he took up this sinful activity professionally, setting up a page on the aforementioned website to advertise himself and his practice of debauchery. He said he has photographed himself wearing female underwear and has a habit of adopting female looks, growing his hair and putting on make-up. He used the mobile number on the aforementioned page to pursue clients who desire to practice debauchery in exchange for payment. He also uses his mobile phone to put nude pictures of himself on the same website. An inspection of his phone revealed several pictures of him in women's underwear and showing his private parts from behind.”⁸

The interviews conducted by EIPR of previously arrested individuals confirm the police's strong interest in physical evidence.

In one of the habitual practice of debauchery cases in 2014 case, defendants were given prison sentences of between three and eight years on charges of habitual practice of debauchery, before they were all acquitted on appeal. When EIPR researchers met two of the defendants in the case, in a coastal city, they said that that they were four young men who rented an apartment in Nasr City and at 2 pm there was banging on the door. A policeman, who was accompanied by three informants, told them that he wanted to search the apartment to check if they have hashish or weapons and asked whether there were women there. When Shahir, one of the men, asked about a search warrant, one of the informants began insulting the young men, and told him, “Shut up, do the likes of you even know what a warrant is?”

The informants searched the apartment, they told the officer that it appears these men “look like fags”. They then took the women's clothing and beauty products found in the flat as evidence.

In a 2015 interrogation report, the arresting officer admits to using force to apprehend two targeted individuals in the street:

“I approached them, knowing that one of them was the person an officer had been interacting with electronically. I carried out a friendly conversation with him and he reiterated what was said in the Whatsapp conversations, telling me that the person with him was a “shemale” and that I could choose between them. He said that the bag in his possession contains women's clothing, make-up and other necessities for the night. He asked me for the sum of money agreed upon before engaging in any sexual acts. Once I confirmed that here was a crime, consisting of these two people offering themselves for debauchery, I signalled the accompanying officers to arrest them. The defendants tried to escape and assault the police, so necessary force was used to apprehend them before taking them to the unit's headquarters. Presented with the Whatsapp conversations and other information we had gathered, the man confessed to creating an account on Hornet website to offer himself to men desiring homosexual sexual pleasure and debauchery for payment agreed upon through online conversations. He said that he, as well as the friend arrested with him, have been in this profession for a long time and that they practised a consensual act of debauchery today with a sexual deviance seeker, and in exchange for payment.”⁹

8- Case no. 20248 Zahraa Madinat Nasr 2014

9- Case no. 26400 Agouza Misdemeanours 2015

Another police report in 2016 reads:

“In the interrogation of the first defendant, he said that his name is [] and he is known as [] and is unemployed and resides at []. He said that he created an account on the application MatchUp on his phone with the number []. This is the same number that we contacted him on, which he uses to communicate with men who desire practising debauchery and to lure them in. This application is more secure than other homosexual websites. He said that he has been practising debauchery, passively, since he was young and that he has made it into a means to earn money. He revealed that the person arrested with him is also a sexual deviant and that they have been in a homosexual relationship for a period of time. The defendant handed over a white phone of the brand [] with the number [] which he uses to arrange deviant sexual encounters with men who desire debauchery. A search of the phone’s contents revealed several sinful conversations. He also handed us LE1,100 that he had in a small brown handbag which he said was payment for his sinful activity. A search of his bag revealed a condom of the brand [], in addition to creams and Vaseline which he confessed to using to facilitate the practice of debauchery.”¹⁰

The testimonies collected by EIPR show the steps taken after arrest to build cases for the charge of habitual debauchery. After electronic entrapment, officers seek to extract detailed confessions about the arrested individual’s sexual history. This takes place through several methods, singly or altogether, chief among them is suggestion. The officers suggest to those arrested -that they of course were sexually assaulted as children- and try to extract their sexual history through intimidation and incentives.

In this regard, Firas says: “That before taking me to the prosecution, an officer from the Morality Police came and asked me to tell the prosecution a story in which I confess to being gay and to having been assaulted when I was younger — the incident that supposedly turned me gay — and that I regret what I have done. He convinced me that this was in my best interest, and believing him I agreed.”

In an interview EIPR conducted in August 2016, with Sameh, detained in Cairo in July 2016, he was arrested in Tahrir Square and taken to the morality police unit in the Mogamma where, he recounts:

“The officer insisted that I confess that something happened to me when I was younger — a sexual assault — that made me regularly practice debauchery. I rejected all that. [...] They took me to an officer of a higher rank who said to me, ‘We are doctors and we will treat you,’ while pointing at certificates hung on the wall, that said he had experience in curing homosexuality. He was talking in a very condescending way. There was a man with him who kept yelling at me to confess. I continued to insist on what I had already said.”

Although some LGBTQ dating applications and websites issued warnings to users in Egypt at the start of the crackdown, however, due to the number of websites and applications and the large number of users, many people remain unaware of the crackdown. In the light of the fact that these websites and applications are the only means available for a significant number of people to meet others with similar interests and orientations, in a way that preserves the privacy of these relationships, forgoing these websites and applications is not a possibility.

The case files reveal that the following applications and websites are used to entrap people:

- Whatsapp · Manjam · Escort.com · Tsdating.com ·shemalescort.com
- Hornet · Craigslist · Growlr · Planet Romeo · MatchUp · Whoshere

10- Case no. 1412 Qasr El-Nil Misdemeanours 2016

In most cases, the conversation between the undercover officer and the targeted person is used as evidence, and is printed and included in the police report.

The lawyers that EIPR met, including Ahmed Hishmat, Rami Ibrahim and Alaa Farouk, asserted that the Interior Ministry uses a snowball method to find targets, creating a database with names and ID numbers of those who visit the homes of individuals previously arrested on debauchery charges.

Second: Deporting Gay Foreign Nationals

EIPR began to note and document cases in which the Interior Ministry deports foreign nationals on account of their sexual orientation, following the late and exceptional coverage of the Supreme Administrative Court verdict, which was issued in favour of the Ministry of Interior in the case no. 8084/Y67 (First Circuit). The case filed by a Libyan citizen to overturn the decision barring him from entering the country. He was surprised by the decision, having been denied entry as he was trying to return to Egypt.

This ruling in favour of the Interior Ministry gave the ministry the power to deport individuals based on their sexual orientation and practices without being required to prove their guilt in court first. The verdict, issued by the Supreme Administrative Court, went against the recommendation issued by the court's Commissioners' Authority.

The Commissioners' Authority said in its report:

"From what the presented texts and what the decisions of the administrative courts established, the legislator left significant discerning power for the administrative authority concerning allowing foreigners to stay in Egypt, renewing their stay, refusing renewal, deporting them or banning them from entering Egyptian soil.

The legislator gave the Minister of Interior the jurisdiction to deport foreigners regardless of the nature of their residence if their presence threatens the internal or external security of the country, its national economy, general health or general morals and public order. However, expanding the scope of discretion given to the Interior Ministry in the matter of issuing residency permits for foreigners in the country does not mean that this authority is free from judicial oversight, to scrutinize its legitimacy, or to expound its scope, or judge its appropriateness in the decisions it takes to maintain security in the country and to take into consideration, at the same time, the rights of individuals as reinforced by constitutions and the universal declarations of human rights. The State Council has always upheld constitutional principles, especially the rights of individuals to move and to enter countries. However, there should be taken into consideration the sacred duty entrusted in the administrative authority to protect national security and preserve public order, which may require barring foreigners from entry. But the practising of this power by the administrative authority is conditional upon its decision being premised on a correct reason justifying it. It does not suffice to judge the validity and soundness of such decision by resorting to unverified investigations that have no base in the documents presented for the case."

The Commissioners' Authority noted that the prosecution released the person in question, did not refer him to court and that there was no court verdict against him, and hence it recommended that that the decision to ban him from the country be reversed. However, the Supreme Administrative Court judge ruled that the plaintiff's sexual orientation and the information about him contained in the police

report were sufficient grounds to reject his request to reverse the decision to put his name on the list of people banned from entering Egypt.

The judge said in his verdict,

“And as it was established in the case file that the plaintiff was known to be a deviant during his presence in Egypt where he resided in [] and that he habitually practised debauchery in his residence for payment as noted in report no [], for the year 2008, Misdemeanours, reported on the day of [], and hence it was decided to deport him from the country in coordination with the Libyan procedures office in Cairo. And hence, the decision under appeal was issued by those legally empowered to make it, using the power vested in them to protect public good as well as religious and social values and to prevent the spread of vice in society. The decision is legitimate, corresponds to the law, and is free from grounds of appeal, which necessitates that the request to reverse it be denied.”

Although the verdict was issued in December 2014, the story did not appear in the media until April 2015. Most of the coverage was sensationalist with headlines such as, “The Supreme Administrative Court’s decision regarding the right of the Interior Ministry to kick out gay foreigners.”¹¹

There were concerns that the verdict would be used to punish foreign activists who are critical of the government or as a way to settle personal scores. This concern was heightened by the precedent set in granting the Interior Ministry the power to make decisions regarding deporting or restricting the freedom of movement of foreign nationals without a court verdict or a previous conviction.

However, the cases that were documented throughout the past few years confirm that the Interior Ministry used the precedent primarily to target gay foreigners, keeping them out of the country on the pretext of protecting public morality. The dangerous legal precedent set by this verdict was supported by another Supreme Administrative Court ruling in March 2017 upholding the rejection of an appeal by a British citizen against the Interior Ministry’s decision to deport him in 2015 based on police investigations which resulted in charges of habitual practice of debauchery, unsupported by any verdicts against him.¹²

EIPR has found that deported foreign nationals are arrested through online entrapment in the manner described above or in house raids. Nationality does not appear to make a difference in the decision to deport, as there are cases of Arab refugees as well as Europeans and even Egyptian dual nationals faced deportation.

11- Aarafa, Ahmed and al-Nady, Khaled. “The National Council for Human Rights Supports the Court’s Decision in Expelling Homosexual Foreigners from Egypt”. Youm7. 15 April, 2015. Accessed 13 November 2017) <http://www.youm7.com/story/2015/4/15/%D8%A7%D9%84%D9%82%D9%88%D9%85%D9%89-%D9%84%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86-%D9%8A%D8%A4%D9%8A%D8%AF-%D9%82%D8%B1%D8%A7%D8%B1-%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D8%A8%D8%B7%D8%B1%D8%AF-%D8%A7%D9%84%D8%A3%D8%AC%D8%A7%D9%86%D8%A8-%D8%A7%D9%84%D9%85%D8%AB%D9%84%D9%8A%D9%8A%D9%86-%D8%AC%D9%86%D8%B3%D9%8A%D8%A7/2142004#.VS5xC8uY43U>

al-Gohayni, Abdo. «We Publish the Reasoning of the Verdict of Banning <Homosexuals> from Entering the Country». Vetogate. 14 April 2015. Accessed: 17 November 2016 <http://www.vetogate.com/1582246>

12- Al-Qaranshaw, Shaymaa. “The Supreme Administrative Court Upholds the Ministry of Interior’s Banning of a British Citizen on the Grounds of Moral Reasons”. Al-Masry al-Youm. 26 March 2017. Accessed 15 November 2017 <http://today.almasryalyoum.com/article2.aspx?ArticleID=539294&IssueID=4277>

There are 12 documented cases of deportations resulting from habitual practice debauchery cases since the start of the crackdown. Five of these were Arab nationals, while the remainder were nationals of European countries. Six of these were deported in 2015, while there were four cases in in 2016 and two in 2017. As demonstrated in the testimonies in the appendix, the Interior Ministry deports gay individuals or those perceived as such, whether charges are upheld or not, and in some cases individuals were deported without being referred to the Public Prosecution.

The treatment of foreign nationals differs according to nationality, the intervention of their embassies in Cairo, as well as their social class. In all cases, the police delay allowing those arrested contact with their respective embassies.

In one such case, Roberto, an Italian citizen in his forties, recounted to EIPR through Skype that one day during the month of Ramadan in 2015, shortly after the Maghreb call for prayers, between 6 and 7 pm, he was trying to hail a taxi in Mesaha Square in Dokki to go home when:

“Two people in civilian clothes approached me and asked to see my passport [...] I told them that I didn't have my passport on me because it was at the embassy and that I only had my Italian ID card. But still they insisted on seeing the passport, and said I had to go with them. [...] They started to get hostile...they grabbed me by the shoulders and bundled me into a microbus. We then went to the Mogamma and then to Dokki Police Station and I asked them to contact the embassy. And I was able to contact the embassy through my cellmates in custody. The next day, the consul and an embassy lawyer came to the police station and were trying to get me out as fast as possible although they were not told what charges I was facing. After several hours, the police told them that I had been arrested because I organized group sex parties for gay people and that they had arrested me in a hotel room. [...] I heard the cries of people being beaten and tortured, although no one physically harmed me. I spent 27 days in Dokki Police station, during which they stalled and stalled and when I was presented before a judge, he said, “You are free to go”. I expected to be released, but they told me I had to go back to my country and they would not allow me to go back to my house in Cairo to pack my things, I had been living here for years.”

In fact Roberto's experience can be considered positive to some extent if compared to Firas's experience, a refugee arrested in June 2015, through electronic entrapment, and was held in the same police station as Roberto, but he received a completely different treatment.

Firas described being detained for three weeks during which he was regularly beaten and subjected to a flood of insults and abuse. He recounted,

“After three weeks, there was a primary court verdict against me and a one year sentence. The lawyer appealed and, about six weeks after my arrest, the Court of Appeals acquitted me. I spent two weeks after that at the police station where they denied me visitation rights and denied having me in their custody. I didn't know that then, and I didn't see any of my friends and I was running out of money. I was taken to National Security (situated on Mehwar road in 6th of October City) about five times in these two weeks. I wasn't beaten or insulted in National Security. On the last visit, I learned that there was a decision from National Security to deport me.

At the department of passports and immigration, they told me that I had two options: Either wait in Qanater Prison until the International Organization for Migration or UNHCR get me a ticket to the country that I want to travel to, or arrange for the price of a ticket myself with the help of my family and friends. I chose the second option so that I wouldn't be detained for a longer period, then they forced me to sign a paper stating that I forgo my refugee status in Egypt and that I am leaving for another country of my own free will, due to personal circumstances.”

Unlike Roberto that was presented before an investigation judge and Firas who was deported after being acquitted, the British citizen “John” was deported in summer 2015 without even being referred to court. This was after his arrest in a coastal city where he was then escorted to Cairo airport. National Security also deported a Dutch citizen in 2017 after they were both acquitted of habitual practice of debauchery charges in the Red Sea governorate.

Third: Creating Sexual Scandals

In these cases, EIPR noticed that the morality police sought to dramatize various incidents to make them seem like major events. Naturally, the media plays an incendiary and sensationalist role, whether through inciting the police to arrest people because of their sexual orientation as in the case known in the press as the “deviants’ wedding”, or even by participating with the police in arrests, such as the television presenter Mona al-Iraqi in the raid on a Bab al-Bahr, a public bathhouse.

The case known in the press as the “gay” or the “deviants’ wedding”, September 2014

After a segment of a video appeared on Youtube for a group of young men celebrating on a boat by the Nile, TV presenter Tamer Amin aired parts of the video and called on the police to arrest those who appeared in the video, because it advertises debauchery and vice. According to Amin, the video showed two young men exchanging rings and kissing each other on the cheek. In a later episode, he hosted one of the young men who exchanged the rings, over the phone and interrogated him over his sexual orientation and his relationship to the other young man who appeared with him. After the police arrested everyone who appeared in the video, Amin praised the police’s role in hunting down gays.

Although the police report states that a CD containing the video was used to acquire a warrant leading to the arrest of the young men, Osama, a friend of one of those arrested, in an interview with EIPR in November 2016 said that this is not what happened. According to his testimony,

“the police arrested a gay man from Tahrir Square and kept beating him as they asked him if he knew S (the man that appeared in the video). Do you know X? No. Do you know Y? No. Until a name he recognized came up, from the list of people they had. They told him that they would not let him go until he brought him to the police. So they arranged with him that he would call the wanted person, and tell him that he had no money and that he is in Tahrir, and so when this person arrived, the police arrested him. They started blackmailing him too, in order to release him, only if he leads them to one of the people who appeared in the video. Until he presented them with a contact number of one of the people who appeared in the video. That person was also arrested, and the person that appeared in the video gave the number of one of the main two people in the video, M. They went to M’s house but his parents already hid him. However, a friend of the father’s talked to the father over the phone and told him the police called, and they are saying it a national interest case and that the police only want M’s testimony and then he will be released. The father delivered M himself and of course he was not released as it was said. And they continued the same approach till they reached the remaining people. They remained a few days in the Mogamma, with no one being aware of their whereabouts, and then they were transferred to Qasr El-Nil Police Station.”

Osama describes his friend’s detention at Qasr al-Nil police station as horrific. He says that when he visited them, they complained of constant beating and insults. Osama saw policemen insult them as they were bringing them out for the visit, saying to them, “Come on you faggots, you are a disgrace.”

The insults and physical harassment continued for as long as they stayed in the police station, which lasted three months. Osama says, “When we visited, they insulted us too.”

According to the police report, eight people (not just the two persons who exchanged the rings, but everyone who appeared in the video) were arrested on September 5. They were referred by the prosecution to the Forensic Medicine Authority, although their arrest is related to a video on a boat by the Nile, that does not entail any sexual acts or anything like it.

The prosecution charged all eight with habitual practice of debauchery, incitement of debauchery and publicizing materials that offend public decency and publishing a video that invites debauchery. In November, a primary court decision charged them with publicizing and advertising debauchery and acquitted them of habitual practice and incitement of debauchery. The sentence was reduced to one year upon appeal.

The Bab al-Bahr bathhouse case

In December 2014, morality police stormed a public bathhouse in the area of Ramses, accompanied by television presenter Mona Iraqi who filmed the men present, who were naturally half-naked.

According to an interview with one of the defendants, Rabi’, he had gone to the bathhouse, on 3 August 2016, with a group of friends celebrating the marriage of one of them. Twenty minutes after they changed their clothes and went into the pool room, a police force of about 15 men arrived, accompanied by television presenter Mona Iraqi and her crew. Rabi’ says,

“The police beat and insulted us. We were wearing nothing but towels, and Mona al-Iraqi was standing there filming us very proudly, instructing others to film us as well and telling us ‘You are sexual deviants’. Then they took us to Abdeen police station where they refused to let us get dressed. There, an informant would say so-and-so practices the act with so-and-so, and so-and-so practices the act with this person, and Ahmed Hashad was writing down what he said. Then they started to film us again. They beat us and insulted us again. They let four people go, one of them was not Egyptian and 26 of us remained [the five owners of the bathhouse and 21 visitors]. They made us sweep the whole police station and at 6am they gave us clothes, instructing us to wear them inside-out.”

The officer who made the arrest tells the story of the arrests in the police report:

Through an undercover entrapment, our source, who accompanied us, was able to identify several sexually passive deviants as they entered the Bab al-Bahr bathhouse. I made immediate and quick investigations and field inspections regarding those mentioned by our undercover source, confirming that they are indeed deviants who practice sexual deviance and acts of debauchery among themselves. Further field investigations led us to the realization that this an unfolding crime and an orgy was taking place between a number of deviant men in the pool room in the bathhouse. After giving the orders, I entered the bathhouse with the accompanying undercover force. I arrested Hatem who was on the left of the entrance and informed him of our identities and the nature of our task, showing him the prosecution warrant. I noticed the presence of Akmal, the person I am authorized to apprehend and inspect, sitting on a wooden bench in the bathhouse’s terrace. I apprehended him as well and asked him about the people who were seen entering the bathhouse. He pointed to the door of the pool room. I pushed the door open and as soon as I entered, I found a state of group debauchery between a number of gay men, completely naked, having group sex, whether anal or oral in a horrifying scene. I arrested those homosexual men immediately, with the accompanying force. I also arrested S.M, W.S and K.L who work in the bathhouse and who are responsible for organizing group debauchery parties in the pool and the sauna. Defendant Ahmed Hamdy was also arrested as he was practising debauchery with defendant Mohamed Khaled

through anal sex. After interrogation of the two defendants, Ahmed Hamdy said that he is in a gay sexual relationship with Mohamed Khaled. They were arrested together as they were practising debauchery for money. Defendant Ahmed Hamdy said that he has been frequenting the Bab al-Bahr bathhouse for a long time and frequently practices debauchery with men, with the cooperation of defendants Hatem and Akmal. He also said that he paid LE100 to be allowed into the pool room and LE50 to defendant Mohamed Khaled in return for practising sexual debauchery with him."

The report continues with detailed accounts of imagined sex scenes involving the 26 defendants, where each party admits that they paid money to the other party to have sex with, and as if the presence of a police force would not stop the continuous sex actions taking place. And as if every two individuals would continue to have sex until an officer reaches them and arrests them.

The defendants were sent to the prosecution the following day. According to Rabi', the prosecutor, also insulted and humiliated them. Rabi' related, "He asked us what happened in the bathhouse. We said nothing." The prosecutor renewed their detention for four days pending investigations and referred them to Azbakiya police station.

Rabi' described the days that they spent in the police station until the next prosecution visit as a nightmare:

"They took us after that to Azbakiya police station where we were beaten and insulted. They tied belts around our necks and made us bark like dogs. No one knew anything about our whereabouts, because they took our phones away. They were insulting us day and night, telling us we were faggots not men. They told us that we would be in jail for 10 years. They would wake us up at 6am, we were locked in a separate room, and they made us take off our clothes in the cold, turn on the air conditioning and beat us... Four days later, we were referred to the prosecution. The prosecutor was very sympathetic and treated us well, but the media got in and filmed us without our knowledge. There were rights lawyers attending with us, and later our families got us other lawyers. The prosecution renewed our detention for another four days and requested that we be inspected by the Forensic Medicine Authority. When we went back to the police station, there was a second round of beating and insults. Our families came to visit us that day and they were treated very badly. The police insulted them as well and told them that their sons were sexual deviants. They let thugs into our rooms to beat us and the officers would tell us that we would never get out. One of the people with us was an old man, who looked like he was in his seventies. An officer tied him up every day and ordered him to bark. They would make us stand for hours with our hands raised against the wall. Every morning they took LE15 from us to get cleaning products for the station. We saw a judge, then they wanted to transfer us to prison. We went to be checked for criminal records and were then taken to Tora Prison. The prison refused to take us, but when we went back to the police station, the treatment was better. They stopped beating and insulting us and they would give us tea and cigarettes when we asked. We went to our second court session, which was adjourned and in the next session, Mona al-Iraqi and Ahmed Hashad refused to come. Then the judge acquitted us and suddenly I found myself talking to television presenters and journalists normally, after being afraid."

Ahmed Hossam, one of the lawyers who worked on the case told EIPR researchers, that the defence strategy in the case depended largely on the illogicality of the police report. He says,

"The officer tried to pair up the visitors of the bathhouse into sex partners. Because they were an odd number, he wrote that the last three were engaged in a threesome. Meaning that there was not a single person in the bathhouse was not having sex at the time they were arrested."

This lack of logic in the police report was also cited in the acquittal verdict, the judge wrote:

“That the officers stormed the pool room and watched the defendants commit debauchery, and specified the role of each one of them, does not accord with reason and logic so the court is unable to assert wrongdoing with any certainty. It is not reasonable that the officer stormed the room, then the men continued practising debauchery so that he was able to determine the role of each defendant and who was with whom in a detailed manner. He specified that in a way that doesn’t fall within the logic of things, that the defendants would continue practising debauchery at the time the officers raided the place”.

Sobhy, another defendant in the Bab al-Bahr case says in an interview in August 2016,

“After the acquittal, I tried to get back to my normal life. But when I take public transportation, everywhere, I would hear people commenting on the incident, expressing surprise at the acquittal. I would enter battles all the time defending myself, even though the people I was talking to didn’t know who I was. I finally gave up and decided to kill myself. I poured gasoline over my body and set it on fire. My family took me to Qasr al-Aini Hospital where they were negligent and my condition deteriorated before I was able to transfer to another hospital and receive treatment with the financial support of people. I am now a plaintiff in a compensation case against Mona Iraqi. I haven’t been able to get my life back.”

In the Grip of the Police.. Violations by the Dozen

The testimonies collected by EIPR, included (see testimonies appendix), indicate long sessions of assault, humiliation and obscene insults from the moment of arrest and throughout the duration of detention in police stations. Threats of sexual violence are commonly used to intimidate and insult detainees. According to several of the testimonies, police would also threaten to reveal their sexual orientation to dozens of other detainees, making them easy prey for physical and sexual violence, bullying and ridicule.

Many defendants in debauchery cases describe violent and cruel treatment on the part of the police, such as throwing water on them, depriving them of food and water, depriving them of visitation rights or obstructing it and as well as allowing media to photograph them against their will.

Evidence: Criminalizing What is Not a Crime

The evidence listed in the police reports in debauchery cases typically includes wigs, women’s underwear, beauty products, condoms, lubricants, photocopies of online conversations, the phones of the arrested and any sum of money found on them. In the case of transgender individuals, hormonal medication is also included.

It is crucial here, to point out that none of these items presented as evidence are illegal to possess. Ola Farouk, a lawyer at EIPR says, “Condoms are sold in pharmacies, alcohol is allowed in Egypt and there are places licensed to sell it, so where is the crime in being in possession of these things?”

Through these items, the police construct a fictitious case against those arrested. They say the mobile phone is used to publicize their debauchery and any money found on them is considered the return for their practising debauchery in exchange for payment. Lawyers Ahmed Heshmat and Rami Ibrahim say that this is how the police commonly frame those arrested.

One of the investigation files states:

We confiscated 11 condoms, several lubricants, a cherry flavoured massage gel, several wigs, as well as one blister pack of Amitril, containing six tablets, some clothes used in sadistic sex, a full and unopened bottle of ID alcoholic drink, a half full bottle of Chivas Regal whiskey and two laptops belonging to [] and [].¹³

An investigation file in 2015 states:

“On searching him, we found in his possession LE100, two condoms of the brand [] and a tablet of the brand []. With the other individual we found LE200, one dollar, a mobile phone of the brand [] and a small black bag containing a wig, underwear and make-up. When we asked if he uses the tablet to facilitate his acts of debauchery he affirmed this, so we asked him to open the device and with his knowledge, we saw Whatsapp conversations, and other communications containing arrangements for deviant sexual practices, a picture of him in women’s clothing, and a picture of the second defendant [] wearing women’s clothing and in full make-up. He also led us to the Instagram account of the aforementioned person. He said that he made the money found on his person today by practising debauchery, along with the other person detained, with some individual.”¹⁴

Condoms as evidence in habitual debauchery cases

The prevention of HIV/AIDS was used as a pretext in some cases to justify some of the incidents in the crackdown, the case of Bab al-Bahr , for example, when the TV presenter that accompanied the police force while they raided the bathhouse, claimed that she was doing this as way to prevent the spread of the virus. Yet it is the norm in all of the police reports that the use of condoms is considered evidence against those who were arrested as well as being confirmed in the court cases.

EIPR documented the listing of condoms as evidence in more than 10 habitual debauchery cases.

Aside from individuals’ rights to chose methods of prevention and protection for themselves and that the presence of condoms in the possession of individuals can not be in any way or form be deemed as “evidence” for the practice of debauchery, this is in violation of people’s rights and their sexual and reproductive rights. This indirect incrimination of condoms is proof of the absence of coordination between different ministries in combating the spread of HIV/AIDS. The Ministry of Health and National HIV Program classifies, ‘Men who have Sex with Men,’ as key group that should be targeted with awareness, education and protection, as it is the most vulnerable group to viral infection.¹⁵

Although the last few years have shown the low incidence of the spread of the virus, however, there is a localized pandemic between men who have sex with men as well as individuals who inject drugs intravenously.¹⁶ Further, Egypt is one of the few countries where incidence of new infections is increasing exponentially, contrary to many other countries around the world who succeeded in curbing new cases of infection.

13- Case no. 20248 Zahraa Madinat Nasr Misdemeanours 2014

14- Case no. 26400, Agouza Misdemeanours Court, 2015

15- «Egypt Report NCPI.» UNAIDS. March 31, 2014. Accessed November 15, 2017. <http://www.unaids.org/sites/default/files/country/documents/Egypt%20NCPI%202013.pdf>

16- NCPI, p.12

The government's protection strategy for men who have sex with men relies largely on encouraging the use of condoms and lubricants, alongside efforts to reduce the stigma and discrimination for STIs¹⁷. As such, the presentation of condoms as evidence in cases of habitual debauchery poses a threat to HIV/AIDS prevention efforts as it compels people whose sexual orientation is not accepted largely by society to give up an essential protection method for fear of arrest. It also undoes the efforts of another ministry, in the same government, trying to control the spread of STIs.¹⁸

This is reaffirmed by UNAIDS which describes, in its report on National HIV Policy Indicators, not only is there an absence of a political framework to protect men having sex with men, but also the way that laws are applied in Egypt, represents obstacles to protection and prevention efforts by the National Program to Combat AIDS. The UNAIDS report also specifically points to the police use of condoms as evidence for habitual debauchery as undermining efforts to decrease risks of infection as well as preventive strategies.¹⁹

Legal Problematics of the Morality Police's Performance

As explained above, the technique used by the Interior Ministry — specifically the External and Internal Units of the Morality Police — in tracking LGBTQ individuals and those perceived as such, seems like a method to punish individuals for crimes yet not committed, but anticipated. This electronic entrapment has several legal problematics. The Interior Ministry's actions constitute crimes of incitement and facilitation of prostitution, according to the first article of Law 10/1961 on combating prostitution and debauchery as interpreted by verdicts of the Court of Cassation. What undercover police officers do, constitutes proposals that are considered serious enough to influence the suspect who is then entrapped. In fact, these actions are criminalized under the law even if no sexual act takes place. While the intent to practice debauchery is not a crime, inciting debauchery is, even if no sexual act takes place, according to the Court of Cassation, which says in a verdict on the matter:

“The first section of article 1 of law no.10/1961 includes various means of incitement for prostitution and facilitating it, for a male and a female alike. () The incitement to prostitution is fulfilled by any act that corrupts the morals, even if it was initiating a proposal, as long as it is serious enough in its appearance to influence the plaintiff addressed and seduce them with the intention of committing debauchery or prostitution.”²⁰

According to several legal principles what the Interior Ministry has been doing in general is considered a crime of incitement. There is consensus among legal scholars that public servants should not incite people to commit a crime in order to entrap and arrest them²¹.

17- «National HIV Programme Situation and Gap Analysis: Egypt.» UNAIDS. April 2015. Accessed November 17, 2017. http://www.unaids.org/sites/default/files/country/documents/EGY_narrative_report_2015.pdf.

18- NCPI, p.10

19- NCPI, p.21

20- Cassation, 27 February 1968, A Collection of Cassation Decisions Y37/2052

21- «Inciting individuals by members of public authority to commit crimes for the purpose of apprehending them, during or after committing said crimes, is considered illegal and doesn't agree with their duty in cautiously applying the law correctly. Therefore investigative procedures and investigations built on such illegal actions, are deemed void and shall establish no effects (Ahmed Fathy Sorour, Al-Wasit in the General Section, Vol 1, 1981 (ed.), no. 394, Y634). See also, Cassation 16 June 1953, Collection of Cassation Decisions Y4 (988-352) and Cassation 14 February 1967, Collection of Cassation Decisions Y81 (209-41)

It has also been confirmed that the morality police also tries to convince individuals once detained to confess to a story scripted by the police that they were assaulted in their childhood after which they started to practice homosexual acts in exchange for payment. This aims to prove the “habitual” aspect of the habitual debauchery charge and it constitutes a gross violation of the rights of the detainees as they are forced to make a false confession, for what they did not commit.

The construction of fictitious cases continues by considering that everything in the possession of the arrested individual is used to practice debauchery (condoms, beauty products, women’s clothing...etc), to facilitate such practice (the mobile phone reported by the police to be allegedly used to contact customers), or is a result of the practice (any sum of money found on the arrested individual is filed in the police report as earnings from practising debauchery in exchange for payment).

The Public Prosecution

While the testimonies consistently point to extremely poor treatment in police stations — detainees at police stations are subjected to beatings and insults, as well as their friends and families insulted on visits — the experiences with prosecution vary. It can even vary for the same group, from one time to the other, during the different presentations before the prosecution.

Shahir, who was detained pending trial in 2014, described that in one of the times when he was presented to the prosecution, a prosecutor yelled at a Youm7 journalist for videotaping the defendants. Sameh, related his experience with the prosecution: *“I tried to explain to the prosecutor about the insults and physical assault that I endured at the hands of the police, but he ignored what I said and asked me to simply answer the questions. In the end, he said that he was not convinced by what I had said and told me not to do that again.”*

The experience of refugee Firas with the prosecution was exceptionally cruel:

“When I went into the office of the prosecutor, there were five people there who insulted me repeatedly, calling me a ‘faggot.’ I felt sorry for myself so I cried and one of them got up, smacked me on the back of my head and laughed.

Then I went into the investigative prosecutor’s office and related the scenario that officer Tamer instructed me to say [about childhood abuse and consequent sexual behaviour], thinking that this would get me out. When the prosecutor asked me to sign the testimony, I felt worried again that I was being tricked and was putting myself in danger. So I asked for my lawyer and demanded my right as a refugee to contact UNHCR. At first he refused, got angry and insulted me and then when I insisted, he said that if I sign the testimony he would let me make a phone call. And because I didn’t memorize any numbers, I asked him to bring my phone to take a number from it, and I called a friend of mine who works at one of the international migration organizations and he informed my friends of what had happened.”

Interviewed Lawyers confirm that there exists a bias across different ranks of the prosecution towards these kinds of cases. One of the lawyers -in an interview conducted with him in May 2017- in the Bab al-Bahr case related that he faced intransigence when he went to the prosecution to photocopy the case file where, the head prosecutor in the case said to him when he introduced himself, “I am lawyer (), here for the defendants (), (), and ()”, the head prosecutor replied, *“So you’re the faggots’ lawyer?”* The lawyer responded, *“I believe these cases are called debauchery cases according to the law, and the law has not been amended as far as I know. And I don’t know how the prosecution is working on this case if it has this kind of preconceived judgement towards the defendants.”*

Another rights lawyer -in an interview conducted with him in June 2017- described an incident at the Agouza prosecution. He asked the prosecutor about individuals arrested on debauchery charges *“but the prosecutor did not deign to answer me, instructing an administrative employee to answer my questions instead. The assistant took me to a staircase where 16 women arrested on prostitution charges were piled on the stairs, waiting for their turn to see the prosecutor and the assistant told me, ‘You have all these women, pick one to defend for free and you can do your little number, then the girl will do what you want, or do you have a thing for faggots?’”*

This presumed hostility towards gay men and transwomen, or those perceived as such, by the prosecution was confirmed by another lawyer -interviewed in Mayn2017, when he went to the prosecution to attend the investigations held with a group charged with habitual debauchery, the prosecutors told him, “Do you know who your defending?”

These situations reflect the lack of neutrality in how the prosecution views defendants in such cases and it also extends to procedural aspects as well. In the following sections we will show the kind of accusation the prosecution levels against those arrested in such cases in addition to referring the defendants to the Forensic Medicine Authority to forcibly undergo “rectal examination” and the role of Forensic Medicine Authority in that regard. We will then show the speed by which these cases are referred to courts and what that entails of a threat to the rights of the defendants in a fair trial.

The Charges brought by the Prosecution

Through case files that EIPR managed to get copies of, we find that the most common charges in such cases is the habitual practice of debauchery, which is criminalized in Article 9 of Law 10/1961 pertaining to the criminalization of prostitution and debauchery. This charge was brought in all 23 cases studied in this report between 2013 and 2017. Even in the case of arresting a man dressed as a woman in public. The second charge most commonly brought is publicizing materials on the internet that incite debauchery, and invite its practice, which is criminalized in article 8 of the same law. This was present in 14 of the cases. Meanwhile the charges of running a house/residence/locale of debauchery and of inciting debauchery, criminalized in article 8, were each brought in eight cases, and the charge of facilitating debauchery, criminalized in article 11, in three cases.

Other charges brought in one or two cases include drug use, failure to present identification, misuse of communications tools, public indecency and distributing indecent material.

EIPR researchers and human rights lawyer who were interviewed have noticed that the way in which the charges are phrased by the prosecution enables the punishment of individuals with multiple punishments for the same deed. Even though the Supreme Constitutional Court²² has upheld that no one can be repeatedly punished for the same crime, based on the principle, ‘one crime does not constitute two liabilities’ as the court stated. Nevertheless the multiple accusations by the prosecution, levelled against those arrested for habitual practice of debauchery cases, makes it easy to punish those individuals repeatedly for the same crime. This might explain the long prison sentences that some receive in those cases.

The multiplicity of charges was documented in at least three cases. Firstly, Bab al-Bahr case, where among the charges were habitual practice of debauchery and committing an act of public indecency. This in turn lead to the defendants lawyer, in his defence, to discard the public indecency charge, in accordance with article 32 of criminal law.

In the defence memorandum:

“And as such if the criminalized behaviour attributed to the defendants is habitual practice of debauchery, as mentioned in the police report, the prosecution described at times as habitual practice of debauchery as stated in the first article. And at other times, the prosecution described it as an act of public indecency as stated in

22- Case no. 49/Y17, Supreme Constitutional Court, Principles of the Decision (accessed 15 November 2017) <http://hrlibrary.umn.edu/arabic/Egypt-SCC-SC/Egypt-SCC-49-Y17.html>

*the second article. Each has a statute criminalizing each of the acts. Thus we find ourselves before several incriminating statutes for one crime (the crime defined by the police officer as practice of debauchery). The crime itself was defined by two distinct definitions for different crimes, which is known as metaphorical or ersatz multiplicity”.*²³

We also witnessed the same pattern of multiple charges in the case known in the media as “sexual deviants marriage” in which the defendants were referred to Misdemeanours Court with the following charges:

- production and publication, with the intent of distribution, of an online video which included material that violated public morality as described in the police investigations.
- habitual practice of debauchery as described in the police investigations
- advertising -through publishing the online video- an invitation the includes debauchery and incitement for debauchery and calling for attention in the way described in the police investigations.

As for the first to the third defendant:

-they incited and facilitated, the fourth to the eighth defendant committing debauchery as described in the police investigations.

The charge of publishing a YouTube video came once as: “publishing a video containing material that violated public decency” and another time as, “advertising a call for debauchery and incitement”.

In April 2016, the Agouza Misdemeanours Court handed down 12-year prison sentences. EIPR condemned the duplication of charges for a single deed²⁴. The prosecution levelled out charges of publicizing materials on the internet that incite debauchery and misuse of a communication tool (the internet). The duplication of charges violates Article 32 of the criminal code which pertains to multiple penalties for the same deed²⁵. Furthermore, it corroborates the lawyers’ observation of the bias on the part of some prosecutors in such cases, and their desire to punish defendants for their sexual orientation and practices even if this entails violating legal principles pertaining to how to press charges.

23- Defense Memorandum for Primary Court Decision, Bab al-Bahr Case, by lawyers Ahmed Hossam, Mohamed Khedr, Islam Khalifah

24- EIPR Statement: Imprisonment Verdicts in Debauchery Cases are Shocking and Punishes Individuals with Multiple Punishments for the Same Deed. 30 April 2016

<https://eipr.org/press/2016/04/%D8%A3%D8%AD%D9%83%D8%A7%D9%85-%D8%A7%D9%84%D8%AD%D8%A8%D8%B3-%D9%81%D9%8A-%D9%82%D8%B6%D8%A7%D9%8A%D8%A7-%D8%A7%D9%84%D9%81%D8%AC%D9%88%D8%B1-%D8%B5%D8%A7%D8%AF%D9%85%D8%A9-%D9%88%D8%AA%D8%B9%D8%A7%D9%82%D8%A8-%D8%A7%D9%84%D8%A3%D9%81%D8%B1%D8%A7%D8%AF-%D8%A8%D8%A3%D9%83%D8%AB%D8%B1-%D9%85%D9%86-%D8%B9%D9%82%D9%88%D8%A8%D8%A9-%D8%B9%D9%84%D9%89-%D9%86%D9%81%D8%B3-%D8%A7%D9%84%D9%81%D8%B9%D9%84%D8%8C-%D9%88%D8%A7%D9%84%D8%B4%D8%B1%D8%B7%D8%A9>

25- Article 32 from the Criminal Code, “If the same deed forms multiple crimes, the crime with a stricter penalty and the judgement inflicting that penalty shall alone be considered.” Retrieved from: Sharing Electronic Resources and Laws on Crime. UNDOC. Accessed 17 November 2017
https://www.unodc.org/cld/document/egy/1937/criminal_code_of_egypt_english.html

The Forensic Medicine Authority

In several habitual practice of debauchery cases, the prosecution refers arrested individuals to the Forensic Medicine Authority to undergo forced pubic and rectal examinations, to prove that those subjected to those examinations were “used” or not. During these examinations, individuals reveal their lower body parts to the forensic doctors who violate their bodies under the pretext that this fraudulent procedure reveals the individuals’ practice of anal sex.

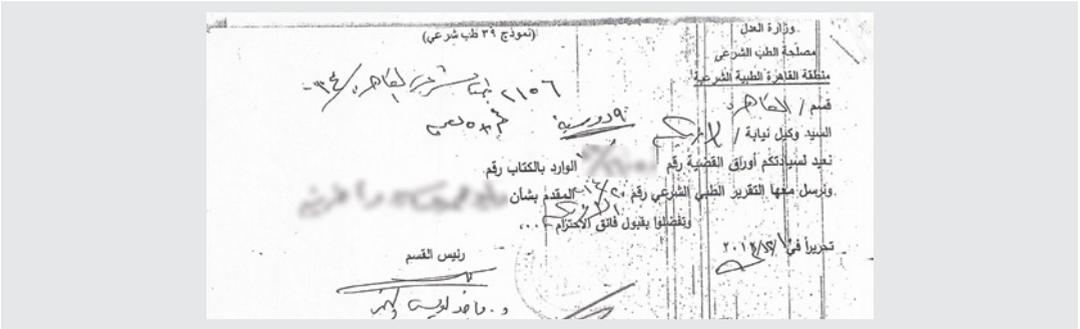
These forced medical examinations have no scientific grounds whatsoever and are based on spurious scientific evidence meant to misguide and delude. Studies show that such examinations are based on nineteenth century forensic study of sexual crimes by French forensic doctor Auguste Ambroise Tardieu, published in 1857, titled, “A Medical-Legal Study of Assaults Against Decency”. The study included a section to verify what Tardieu named, “sodomy crimes”. Tardieu laid out six indications to identify sodomites:

1. The excessive development of the buttocks
2. The funnel-shaped deformation of the anus
3. The relaxation of the sphincter muscle
4. The effacement of the folds, the crests, and the wattles at the circumference of the anus
5. The extreme dilation of the anal orifice
6. Ulcerations, haemorrhoids, fistulas²⁶

The records of the cases studied in this report demonstrate the dependence of the Forensic Medicine Authority on Tardieu’s outdated and discredited work. The files also reaffirm that these examinations are solely concerned with examining the rectums of the individuals arrested. Therefore, the central preoccupation for the Forensic Medicine Authority in such cases (defined as habitual practice of debauchery) is to indicate whether the person engages in anal sex or not. The convicted here is referred to in the parlance of the police and prosecution as someone who assumed a passive role in the sex act.

After the prosecution refers the defendant to the Forensic Medicine Authority, the doctors carry out the said examination, and they write a report based on a fixed template. The first page indicates that the Forensic Medicine Authority is returning the case files to the prosecution with the forensics report attached, to determine whether any of those examined was “recently penetrated from behind.” Afterwards comes a template that states case number, names of the defendants, the date they were referred to the Forensic Medicine Authority, fingerprints, and indication of age.

26- Scott, Long. “In a Time of Torture: The Assault on Justice In Egypt’s Crackdown on Homosexual Conduct.” Human Rights Watch. 2004. p.159 Accessed: 17 November 2017.
<https://www.hrw.org/reports/2004/egypt0304/egypt0304.pdf>



These are some excerpts from forensic reports of defendants in habitual practice of debauchery cases:

“A local examination from behind found the anus to be normal, and the folds around it present and free of injuries. Normal rectal reflex. Gentle pulling on the buttocks showed that the anal sphincter is firm and normal.”

An examination from behind found that the anal muscle reflex is intact and hyperresponsive and we found a purple bruise around the anus as well as a cut, with semi-coagulated bloody ridges, at 5’o’clock position, towards the anus, and doesn’t reach the anal canal. It is around 1 cm long... indicating that he has recently engaged in homosexual penetration. We established that the anal area does not exhibit signs of being repeatedly, in act of sodomy, penetrated from behind...

Conclusion: An examination from behind found no evidence or signs in his anal area that he was penetrated from behind recently or in the past, there are no signs or appearances of repeated anal penetration.

It is known that an adult can be penetrated with extreme caution, consensually and with the use of lubricants.

In all the case files obtained by EIPR, there was only one case where the report determined that a person is “repeatedly used” meaning that he was repeatedly anally penetrated. In a 2015 habitual practice of debauchery case in which a public figure was arrested, the report reads:

An interrogation revealed that the second defendant is [] years old and with subjecting them to an anal medical examination, it was found that the anus is in a deep funnel shape and has sustained healed lacerations reaching the mucous membrane of the rectum. With gentle pulling of the buttocks, the anus was dilated by about 3 cm showing the anal canal with effaced crests and we found the anal muscle reflex weak. It is not technically useful to take a rectal swab, due to the reason mentioned above. We determine from the above:

As for the second defendant (), the appearance described in the forensic report reveal that he has been repeatedly used from behind in homosexual [sodomized] penetration and hence the occurrence of sexual act on the date [] according to the prosecution’s report is possible.

EIPR documented a 2015 case in which a judge referred defendants to the Forensic Medicine Authority not just to undergo anal examination to determine whether anal sex took place, but also requested they be examined “to determine whether they have taken medication to help alter the shape of their bodies and their masculinity, and to specify the names of those who are found to be so, and refer them to an assigned expert.” In the report concerning these defendants, the doctor wrote in the report: “A full body examination revealed no sign of hormonal imbalance. We also determined that the external reproductive organs are in their normal masculine, adult shape and size.”²⁷

27- Case no.19296, Agouza Misdemeanours Y/2014, verdict 2015

Just as in case of rectal examination, where forensic doctors conclude their reports that individuals can engage in anal sex without any apparent visible signs on their rectums, forensic physicians also write similar conclusion in hormonal examinations. A note at the end of the report however, reads,

There is as yet no need to examine the aforementioned defendants for consuming drugs or medication that would result in altering their physical features, as there are no special appearance or appearance of a hormonal disturbance. And due to the long period that has elapsed between the time of arrest and the medical examination, any drugs or substance consumed would have dissolved in the blood, if confirmed to have been consumed, hence there is no technical way to prove the validity of the claims, and the reference should be witness accounts and investigations.”

Yet the files for the same case indicate that those arrested were previously subjected to blood tests to measure their hormones. The former report states:

“The following defendants came to the central labs of the Forensic Medicine Authority and blood samples were drawn to measure LH and FHS hormone levels in their blood.” And after the report lists these hormonal percentages, it concludes with “the hormones percentage in the blood is normal and acquits any defendant from the charge of consuming medication that alter physical or masculine attributes in the current time.”

In another habitual debauchery case in 2015, the Public Prosecution referred defendants to the Forensic Medicine Authority with five requests:

1. Carrying out a medical examination to check for habitual practice of debauchery through repeated anal penetration and if they were repeatedly used and the manifestations of this on them...etc
2. Examining the anus of both defendants for any traces of seminal fluid and testing whether they match the seminal fluids of other defendants.
3. Examining the evidence for seminal fluid and determining whether they match with either defendants.
4. Examining the evidence and determining how it may have been used in sexual activity.
5. Taking urine and blood samples from defendants to test for the presence of drugs, sleeping pills, alcohol or any mind-altering substances or not, and if affirmed, what is the nature of said substance.

In the same case, defendants were also referred to an educational hospital for STIs tests. The referral requested information on any necessary treatment, the possibility of infecting others and necessary protective measures.

The increasing involvement of the medical sector and specifically the Forensic Medicine Authority in the cases of habitual debauchery is an alarming indicator as to how implicated the medical establishment is in such egregious violations. Forced anal examinations are now considered by the UN Committee against Torture as a method of cruel, inhuman or degrading treatment, which may constitute torture. The doctors carrying out the examinations are in clear violation of the Constitution, which guarantees the right of all citizens to dignity. They are also in violation of the oath doctors take to preserve patients’ dignity, and to article 35 and article 28 of the Medical Code of Ethics, which prohibits doctors from carrying out any medical examination without informed consent.²⁸

28- The Medical Code of Ethics, as decreed by the Minister of Health and Population, Decree no. 238/Y2003

Article 35 of the Medical Code of Ethics states:

“It shall be imperative upon the physician entrusted with the medical care of those whose freedom is restricted to provide them with medical care of the same quality and standard available for those whose freedom is not restricted. The doctor shall be prohibited from carrying out positively or negatively any acts that constitute participation in torture operations and other kinds of cruel or inhumane treatment and from colluding or instigating these acts. Doctors shall also be prohibited from using their professional skills and information to assist in questioning those whose freedom is restricted in a manner that endangers their health, physical or mental condition, and from taking part in any measure to restrict the movement of those whose freedom is restricted unless this is decided pursuant to pure medical criteria in order to protect their physical or mental health.”²⁹

Perhaps even more alarming than the false scientific basis for these anal examinations and the violations they entail, is that those who carry them out appear to know that they are useless for generating evidence. The medical reports all end with this statement: “And it is established that an adult can be penetrated very carefully and with the consent of both parties, and with aid of lubricants”. This leaves no space for doubt, that the continued use of such procedures is part of the punishment for those accused in these cases.

In a 2016 report, Human Rights Watch reveals that these tests are used in two Arab countries apart from Egypt: Tunisia and Lebanon³⁰. However, the situation in these countries is different as the crackdown on LGBTQ individuals is less severe than in Egypt. Firstly, the weakness of the security crackdown on the gay men in both countries compared to Egypt. Secondly, the counter-mobilization and the position of the doctors syndicate in Tunisia and Lebanon from these violation that are done in the name of medicine.

In Lebanon, activists and rights groups launched a campaign protesting the degrading examinations, dubbed “the tests of shame.” In an attempt to condemn the state for undertaking those degrading examinations. The campaign led to two important developments: the Doctors Syndicate issued a formal memo banning forced anal examinations³¹ and the Justice Ministry adopted the syndicate’s position and also banned these practices.

In June 2016, the UN Committee Against Torture said in its final remarks on the third report on Tunisia’s commitment to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment that it is crucial to ban these tests, asserting that they have no medical justification.

The committee noted that while theoretically individuals are entitled to refuse to undergo the examination, however the committee expressed its concern that people are subjected to these examination

29- Ibid

30- “Dignity Debased: Forced Anal Examinations in Homosexuality Prosecutions”. Human Rights Watch. June 2016. Accessed 15 November 2017

<https://www.hrw.org/report/2016/07/12/dignity-debased/forced-anal-examinations-homosexuality-prosecutions>

31- “Anal Examination in Lebanon”. The Lebanese Medical Association for Sexual Health. 7 July 2014. Accessed 15 November 2017.

<https://lebmash.wordpress.com/2014/07/07/%D8%A7%D9%84%D9%81%D8%AD%D9%88%D8%B5%D8%A7%D8%AA-%D8%A7%D9%84%D8%B4%D8%B1%D8%AC%D9%8A%D8%A9/>

under threat from the police and through the justification that refusal to submit to those examination can be construed as evidence of guilt. The committee added in its remarks that it is not possible for people who undergo the examination to give free informed consent. The committee described such examinations as interfering within the affairs of others and recommended the annulment of the chapter in the Tunisian penal code, which criminalizes consensual sexual relations between two adults of the same sex.³²

The testimonies collected by EIPR show that the main aim of these forced anal examinations is to humiliate and insult those subjected to it. This refers not only to the examination itself, but also through the treatment of the police personnel responsible to accompany the defendants to the Forensic Medicine Authority.

Usually the defendants are taken to the Forensic Medicine Authority in what resembles a humiliation parade, where the police personnel accompanying them would tell anyone who asks the charges they face, which are considered dishonourable crimes. This humiliation and debasement in the way the defendants are treated has been documented through different testimonies over the past few years.

One defendant, A. who was detained on habitual practice of debauchery charges in November 2013 recounts in an interview conducted with him in February 2014:

“On the evening of November 6, we went to the Forensic Medicine Authority in Ramses. The policemen refused to park the car in front of the building, they parked far away and made us walk in the street. When anyone asked, they would say, ‘These are faggots, we caught them sleeping together.’ When we arrived at the Forensic Medicine Authority, officers beat us up and insulted us, they called us ‘trash’ and threw water on us, and kept insulting us until the doctors arrived. They examined us, and when I asked the doctor what he would write in the report he said that he was not authorized to say. They wrote the preliminary report and took us back to the prosecution, which ordered further tests. We were then taken to the Central Security Forces camp in 6th of October City. We slept there and woke up at 7 am. We waited for hours and then were taken for tests and they took blood and urine samples to test for HIV/AIDS, Hepatitis C and drugs. We were then returned to the prosecution where our detention was renewed for 15 days.”

Rabi’, one of the defendants in the Bab al-Bahr case, recounts his experience with the Forensic Medicine Authority:

“They took us walking from Azbakiya to the Forensic Medicine Authority in Ramses. We were handcuffed to each other in sevens and were barefoot. They answered anyone who asked what we had done, ‘These are the Bab al-Bahr bathhouse sexual deviants.’ They brought us back the same way, and refused to let us wear slippers even though it was a long distance. Seven days after the forensics visit, the officer came and told us, ‘You are all “used”, whoever does anything tell us and we’ll get you out.’

Shahir, arrested in 2014 says,

“We were four people. We headed to the Forensic Medicine Authority, and each two were examined by a doctor. As soon as I entered the room, the doctor said: ‘What is that I’m hearing about you? I heard that they caught you fucking each other.’ I told him that we had just rented the apartment on the day they arrested us, and he said: ‘We will see, go in, get undressed, get on your knees and hold the chair. He was saying that so the anus would be visible and he can decide.”

32- “Concluding Observations on the Third Periodic Report of Tunisia³”. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. 10 June 2016. Accessed 15 November 2017. http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2FCO%2FTUN%2FCO%2F3&Lang=en

Fast Referrals in Debauchery Cases

Debauchery cases life cycle, starting from entrapping defendants till the moment of appeal, indicate an exceptionally fast cycle specific to that kind of cases. The average time period from the moment of arrest to the appeals verdict is one to two months.

Lawyer at EIPR Alaa Farouk who has worked on several of the cases featured in this report says, “Sometimes the prosecution would quickly refer the case to a non-specialized court if the assigned court for such misdemeanour has about a week to consider the case”. Farouk explains that this results in the pretrial detention for those arrested, becoming the responsibility of the court. Thus it becomes impossible for lawyers to appeal the prosecution’s decision to detain the defendants.³³

The speedy referral also makes it difficult for lawyers to challenge any unfair or illegal procedures. Notably, the anal examinations are carried out before a lawyer can be present at the time when the prosecution issues such request and challenge the order.

Lawyer Ahmed Hossam says,

“In all the debauchery cases that I defended, I was never once able to attend the prosecution interrogation due to the speed by which the cases are processed. As soon as the person is arrested, they are interrogated by the prosecutor the next day who renews their detention for four days pending investigations, and during those four days, the case is referred to court. In one of the cases I worked on, the person was arrested on June 1, 2016, the prosecution interrogated him on the same day, his first court session was scheduled for June 5, and the Misdemeanours Court sentenced him to a two-year prison term. An appeal session was scheduled for June 12 and the sentence was reduced to six months. In less than two weeks, the person was arrested, interrogated, and received verdicts at the first and second degrees of litigation.”

The fast referral of these cases jeopardizes several rights of the arrested individuals, namely:

The right to a fair trial

More importantly the right to appeal the legality of their detention

Their right to a lawyer in the pre-trial phase

Their right not to be subjected torture and other forms of brutal, humiliating and inhumane treatment

Their right for sufficient time and necessary facilitations that would make it possible to prepare an adequate defence

Their right not to make confessions under duress.

33- An interview with Alaa Farouk at EIPR, May 2017

The Courts

Courts of First Instance: Punishment for a Presumed Identity

The maximum penalty for the two most common charges in these cases (habitual practice of debauchery and publicizing material that incites debauchery) is three years each. In 18 first instance verdicts -EIPR was able to document- a one-year verdict was the most common, sometimes accompanied by a fine or a period of observation or both.

In five of the studied cases there was a one-year verdict — in some of these cases the defendants were acquitted of habitual practice debauchery charges but sentenced for publicizing material that incites debauchery through the internet. While in one case, defendants were sentenced only to three months. In two cases, they were sentenced to two years and in another two cases to three years. In four cases, defendants were acquitted, but in one of these cases the defendants, who were not Egyptian citizens, were deported.

In the remaining four cases, defendants received harsh verdicts. The verdicts issued by the Misdemeanours Court are the most severe of their kind since the anti-debauchery and prostitution law was legislated in 1961. In one case, the defendants were sentenced to six years for habitual practice debauchery and operating a residence with the purpose of practising debauchery. In the other three cases, there were sentences of 8, 9 and 12 years. These harsh sentences are a result of the multiplicity of charges for one deed discussed above.

It becomes conspicuous that judges of Misdemeanours Courts are punishing individuals based on their presumed sexual orientation and identity. All the lawyers interviewed for this report agreed that the first instance verdicts in debauchery cases are often a reflection of society's demeaning and stigmatizing, perception of these people and its desire to punish them for perceived non-normative sexualities. One rights lawyer says of his experience in a Misdemeanours Court:

“The judge kept us until the end of the roll, then he took us to the deliberation room and took out the pictures of the defendant in female clothes and make-up which the defendant had sent to the undercover policeman who set him up and which was included in the case evidence. He kept looking at the picture, and saying ‘Do you want to convince me that this is not your picture, here it is your nose, your eyes.’ and he continued to match the picture to the defendant without regard for the method that this picture was acquired, that this is a private matter and that people can wear whatever they want in their own homes.”

In another case, the judge told the lawyers before announcing his verdict, “As you know, these cases shake the Throne of God.”³⁴

34- A reference to a popular saying, “That if two men fornicate, it shakes the Throne of God [in wrath]”. Many Sunni Muslims believe that this saying is attributed to Prophet Mohammed, however, Sunni scholars' consensus, is that the statement is most likely apocryphal, if not downright blasphemous (Translator's note) «Does the Throne of God Shake for any Sins or Wrongdoings?». IslamQA.info. 21 March 2009. Accessed: 17 November 2017 <https://islamqa.info/ar/128724>

The court decisions are also rife with invocations of religious and ethical values that disdain homosexuality and denigrates it, even if the evidence in the case is weak and the court procedures are faulty. This is the text of a verdict in the previously mentioned Zahraa Nasr City Misdemeanours case:

“The court arrived at the conviction that the defendants committed the crime of debauchery, which has been established with certainty by catching them with women’s clothing and make-up in their possession, in addition to the womanly conduct of the defendants that the court has observed. The prophet has said, ‘God curses men who dress like women.’ Homosexuality is a transgression against humanity and contravenes nature hence God has made it a major sin, even more licentious than adultery.”

In addition to mixing what is criminalized by law and what the judges might deem as religiously forbidden, lawyers also complain that the Misdemeanour verdicts in habitual practice of debauchery cases usually follow a standard template typed while the court fills out the date, defendants, case number and verdict, which makes the reasoning of the verdict too curtailed in many cases.

Court of Appeal's Rulings

The severity of the first instance rulings handed down by the Misdemeanours Courts in cases of habitual practice debauchery is evidenced by the fact that these sentences are often overturned or reduced on appeal by the Court of Appeal.

Of 12 rulings identified by EIPR’s lawyers and researchers, the Court of Appeal rejected the prosecution’s appeals of acquittal verdicts twice, one of which was the Bab al-Bahr case, the first instances verdict was upheld and the appeal of the defendants in four cases was rejected. However, the first instance rulings in these four cases were relatively lenient (prison terms of three months in one case, and one year in the other three).

The Court of Appeal reduced sentences of first instance courts in four other cases. One of the cases in which the Court of Appeal reduced the original sentence was the “gay wedding case” as it was dubbed by the media. The Misdemeanours Court had handed down prison sentences of up to three years for advertising and publishing materials inciting debauchery. The sentence was reduced to one year on appeal. In the same year, the Misdemeanours Court handed down rulings of up to six years in prison in another case on charges of habitual practice of debauchery and operating a residence for practising debauchery. On appeal, the ruling was reduced to four years. In a third case, the Misdemeanours Court sentenced three defendants to a maximum sentence of two years plus a fine and police supervision. The Court of Appeal acquitted all three of charges of habitual practice of debauchery and sentenced the first defendant to six months in prison for publicizing materials inciting debauchery.

In Case 6269 in Agouza Misdemeanours Court, the first instance ruling was prison sentences ranging from 3 to 12 years on charges of habitual practice of debauchery, publicizing materials inciting debauchery, operating a residence for the practice of debauchery, incitement of debauchery and misuse of a means of communication. The case was a clear example of the persecution faced by gay men and/or transgender women, or those perceived as such, in the sentencing stage, as the Court of Appeal later reduced all sentences to one year.

The Court of Appeal acquitted the defendants after they were convicted in the court of first instance in two cases, one in 2014 and one in 2015. In 2014, Nasr City Misdemeanours Court handed down sentences ranging from three to eight years on charges of habitual practice of debauchery, incitement of debauchery and operating a residence for the practice of debauchery.

Discussion: How are we to understand the role played by the Public Prosecution and the Courts in Debauchery Cases from a Rights Perspective?

The Public Prosecution should have noted the illegal practices of the Interior Ministry in using dating applications and websites to target and entrap gay men, or those perceived to be as such, as well as transgender women. So much that, according to current legislation, and the principles of the law in general, these practices constitute in themselves incitement to and manufacturing of crimes. However, the prosecution's consistent deployment of charges of habitual practice debauchery and publicizing material inciting debauchery in all these cases confirms the manipulation of the law in order to punish and persecute these people as the stipulations for "habituality" laid out in the law are often not met in the prosecution's investigations.

First stipulation: A person's confession to past same-sex sexual relations does not in any way suffice to establish the element of habituality. As evidenced by a number of testimonies, the morality police attempts to convince arrested individuals that they may be acquitted or receive milder sentences if they confess to their being raped or sexually assaulted as children and that this led to their "deviant practices." However, a confession in itself is not sufficient as conclusive evidence. The Court of Cassation states in one of its rulings:

"Prostitution is a crime of habituality without which no crime has occurred. Determining the element of habituality establishes the crime of prostitution even if this is subject to the discretionary authority of the court, on the condition that such discretion is within reason. Since the court in the ruling under appeal had convicted the appellant of habitual practice of prostitution because they arrested her while entering a foreigner's hotel room and on the basis of her confession along with another suspect, contained in the police report of their habitual practice of prostitution with men indiscriminately and in exchange for payment, the ruling's reasoning has been found to provide insufficient grounds to establish the element of habituality-- without which no crime has occurred."³⁵

Second Stipulation: There is no penalty for the intent to initiate the practice of debauchery nor is it possible to establish habituality through confirming the repeated occurrence of the act. Even after the prosecution and the police confirm the intention of an arrested individual to engage in acts of debauchery with the officer or informant who communicated with him, this is insufficient to be deemed a crime in of itself. This is because the habitual practice of debauchery is a crime of habit and there is no penalty on the intent to initiate it. The initiation of incitement of debauchery is, however, criminalized. Additionally, the Court of Cassation has ruled that practising the act more than once in the same location/site is not sufficient to establish the element of habituality. The habitual practice of prostitution or debauchery requires the repetition of the circumstance or occasion. The Court of Cassation states:

"The repeated act of a woman engaged in prostitution in the same site is not sufficient to establish habituality even if more than one man was present on the scene. This is because habituality is only established by repeating the occasion or circumstance."³⁶

In another instance, the court states:

"Establishing habituality in running an establishment for prostitution does not necessarily establish the habituality of practising prostitution. Habituality is determined by repeating the occasion or circumstance...the

35- Challenge no.1904/Y66, Session 9 June 2005, Cassation, decision no. 56

36- Challenge no.5883/Y53, Session 22 November 1984

repetition of the deed, of one who practices prostitution in one location, is not enough to constitute “habit”, even if the place included more than one man. That is because habituality is distinguished by the repetition of occasion or circumstances. The ruling under appeal had considered the repetition of the deed twice with the other appellant, in the same location, as evidence of the habituality of the appellant in addition to establishing the habituality of the first appellant, the owner of the residence. The ruling did not supply sufficient evidence to establish the element of habituality without which no crime has occurred, thus the court overturns the ruling and acquits the appellant of the charges.”³⁷

The Court of Cassation has also set down standards for what constitutes repetition of an act to qualify as being habitual. It must be ascertained that the defendant has engaged in “indiscriminate” sexual practices in the three years preceding arrest in addition to the one time involved in his arrest. The court states:

*“Prostitution, as defined in the law, is the practice of vice with others with indiscriminately. Moreover, the crime of prostitution is a crime of habituality, which is only upheld when habituality is established. In establishing habituality, the Court of Cassation considers that no more than three years should have elapsed between incidents, as well as between the last incident and the date of the suit. Evidence in the crime articles are mutually complementary; collectively they constitute the judge’s persuasion. In case one was missing or dismissed, then it becomes impossible to identify the complete scope of its influence. Such invalid evidence then, constituted the opinion the court resolved to.”*³⁸

Moreover, the Court of Cassation is also clear that suspicion of prostitution or debauchery is not sufficient grounds to press charges without clear evidence. Nor is suspicion a justification for violating privacy. The court states:

*“It is established that it is no affront to justice, to allow a criminal escape punishment, as much as justice is undermined when people’s freedoms are encroached upon and when they arrested with no credible cause.. It is also established that in flagrante delicto in an offense the condition applies to the crime not to the individual who committed it. The police officer who was alerted about the crime, through others, does not establish the state in flagrante delicto, as long as he did not witness an effect of the offense himself, that would indicate its execution. The effect of the incident outlined in the verdict does not indicate what would affirm that the appellant was witnessed in the act of committing an offense, as delineated by article 30 of the law of criminal procedures. It is incorrect then to rely on the assumption that while being arrested she was known to the police as someone who habitually practised prostitution. Even if confirmed by the owner of the apartment where she was arrested. The appellant’s appearance in some apartment and the reporting of its owner to the police that she came with the intention of practising prostitution and that she is used to doing so, all of this, does not in itself foretell that the police officer was aware with certainty that the crime was committed. Therefore, what occurred to the appellant was a clear arrest with no justification and no legal basis. According to article 34 of the law of criminal procedures, as amended by article 37 for the year 1972, no police officer can apprehend a defendant except in cases of in flagrante delicto and with the conditions stipulated.”*³⁹

All these stipulations and explanatory precedents to the condition of habituality result in judges in Misdemeanours and Appeal courts, in many cases, to acquit the defendants from the charges of habitual practice of debauchery. However, these terms and stipulations do not protect against charges of publicizing online materials inciting debauchery. In many cases where charges of publicizing material

37- Challenge no.1806/Y31, Session 7 May 1962, Decision no.110

38- Challenge no.1658/Y39, Session 18 January, 1970, Decision no.27

39- Challenge no.1207/Y54, Session 8 October 1984, Decision no.139

inciting debauchery are brought, the evidence is an image sent by the targeted individual to an undercover policeman or informant in communication taking place in a private chat room. In this regard, EIPR lawyer Alaa Farouk comments:

“A private conversation between two people cannot be considered as publicizing, as this means sharing in public. However, vague expressions and elastic laws do not clarify the nature of the charge of advertising or what methods of publication are meant, which allows for people to be prosecuted.”

The Problematics of Law 101961/: Ambiguous Interpretations and Vague Texts

These observations on the role of the Public Prosecution and the courts lead us to a discussion of Law 10/1961 which criminalizes prostitution and debauchery and how ambiguity in its statutes leads to the pervasiveness of the judicial practices and interpretations we describe here. In addition to the fact that the text of the law itself criminalizes forms of consensual relations between adults, the courts' interpretations of the text of Law 10/1961 reveal additional problems with the text of this law.

The main problematics are:

Heterosexual men are protected but not men who have sex with men or female sex workers

The most significant problem with the law lies in the disparity that exists in both the application and interpretation of the law in protecting heterosexual men but not gay men and female sex workers. This tendency is evident in three types of ruling by the Court of Cassation. The first category refers to the acquittal of heterosexual men charged with buying sex from women. According to the rulings of the Court of Cassation, a man who buys sex from women “habitually practising prostitution” shall not be accused of being a partner in this habitual crime. This is because partnership, as interpreted by the courts, requires that the man assists the woman who is “habitually practising prostitution” with means that would enable her continuing engagement in sex work. The court states:

“The partner derives his definition as such, from partnering in the act committed, from his intention in it and from the crime that was committed based on that partnership. His intention should be connected to all elements of the crime committed. If the act of the appellant — assuming that a crime of habitual prostitution has been upheld against the person with whom debauchery was committed — is not sufficient to establish his partnership in crime as defined in the law stated above in any means of partnership as stipulated in Article 40 of the criminal code as his intention was not to contribute with her to the criminal act (presumed to have occurred), which is the habitual practice of vice with people indiscriminately or in assisting her to undertake this act by offering means and facilitation to enable the act, or at least by removing impediments, which nullifies the moral element necessary to incriminate the partner. As this is the case, and given that the act attributed to the appellant in the ruling under appeal does not fall under any other punitive text, and the verdict under appeal had convicted him of the practice of debauchery with women indiscriminately, the ruling under appeal is found erroneous in its application and interpretation of the law which necessitates overturning it and cancelling the ruling appealed, of convicting the appellant, and his acquittal of all charges.”⁴⁰

Moreover, the man here is not to be considered as having incited women to commit prostitution or assisting them in the act. This is because inciting requires the presence of a third party not the person buying sex himself. Assisting requires monetary expenditure on sex workers for a period of time. The court states:

40- Challenge no.24450/Y59, Session 5 December 1994

“The crime of incitement to commit debauchery or prostitution [...] is only upheld against a person inciting another, or assisting them, in the practice of vice with others indiscriminately, or facilitating this for them. It is not upheld when the act is committed by the inciter for the aim of practising vice with the incited. The crime of assisting a woman to practice prostitution is only upheld if this assistance takes the form of monetary expenditure on the woman. It is also not upheld if the expenditure on the prostitute is for the purpose of securing her access to prostitution; expenditure requires an element of time continuity, whether long or short.”⁴¹

Similarly, it is not possible to charge a heterosexual man with habitual debauchery for having sex with women even if the element of habituality has been established. This is because the law interprets habitual prostitution as a woman having sex with men indiscriminately, while debauchery is interpreted as the act of a man having sex with other men indiscriminately. This means that if a man is to have sex with women indiscriminately, according to the rulings of the Court of Cassation, he does not face a penalty. The court states:

Given the absence of any form of partnership on the part of the appellant in the crime of facilitating prostitution, and given that the act attributed to him does not fall under any other punitive text, prosecuting him in spite of this is an error in the law that necessitates an appeal of the verdict and his acquittal... The legislator’s terms in the first paragraph of the first article of the stated law include all forms of incitement to prostitution and facilitating its practice for both men and women equally. Applying this first paragraph of Article 6 only to the woman practising prostitution, enabled by a certain form of assistance and facilitation, which is the assistance that takes the shape of monetary expenditure in all its forms, whether wholly or partially, necessitates continuity, for a period of time, whether long or short. The crime of incitement to vice is not upheld if the act is done by the inciter with the aim of his own practice of vice with the incited.”

“The habitual practice of debauchery or prostitution indiscriminately establishes the required elements of the crime whether regarding a man or a woman’s vice. Prostitution is attributed when a woman who offers her honour to every seeker, indiscriminately. Debauchery is attributed to a man when he offers his honour to other men indiscriminately.”⁴²

2. The strict interpretation of the law to punish gay men or men who have sex with men

The strict interpretation of the law to punish gay men or men who have sex with men comes in the context of the court’s interpretation of the crime of “habitual practice of debauchery”. Despite the care taken to apply conditions that establish habituality, including “indiscriminate behaviour” as explained above, in cases of debauchery, the presence of only one sexual partner and the fact that the man has not engaged in sex in return for monetary payment were not considered sufficient grounds to deem that the element of habituality was not present. In these cases, the judge considered monetary return to be complementary evidence and not the sole evidence for the habitual practice of debauchery. The court states:

“The legislator has explicitly pointed out in this statute and its interpretation that the crime — the habitual practice of prostitution and debauchery — is established by having sex with people indiscriminately on a habitual basis. It is not necessary to establish that the practice of debauchery or prostitution in exchange of payment, although the existence of a monetary return constitutes complementary evidence of absence of discrimination between people with whom debauchery is committed. Thus, and since the reasoned ruling had convicted the appealed against on charges of habitual practice of debauchery, and given that the suit has stated that the Head of the Morality Police Unit noted in his report that the interrogations had shown that the appealed against

41- Challenge no.6706/Y64, Session 7 June 1999

42- Challenge no.4693/Y66, Session 12 May 2003, Decision no.83

practices debauchery in his residence with others in exchange for payment, he issued a prosecution permit and went to the residence of the aforementioned. Upon raiding it, he seized him in a sexual act with the appealed against. Upon asking the first, he stated that he is committing debauchery with the appealed against for no exchanged remuneration and that he had engaged in this act many times before. The ruling included this incident against the appealed against as confirmed by the Head of the Morality Police Unit in his report as well as the report of the witness. Therefore, alleging that the ruling misapplied the law, by citing that evidence of practising debauchery in exchange for payment is necessary to establish the crime, is unfounded.⁴³

43- Appeal no.863/Y45, Session 12 May 1975, Decision no.97

THE MEDIA

This section attempts to review the problematic media coverage of what is now known as homosexuality cases, with particular attention to the press. More specifically, the focus is on how the media has covered the arrests of individuals who are gay, or who are presumed to be so, and transgender women, during the period of the security crackdown discussed in this report.

The results presented here are based on the analysis of 153 news articles on the arrests of gay men and transgender women, or those presumed to be so. On top of the list is Youm7 with 77 news pieces, followed by Vetogate with 25 news pieces. The rest of the websites averaged less than 10 news pieces for each, including Sada al-Balad, Al-Masry al-Youm, Dot Masr and others.

Several news websites, chief among them Youm7 and Vetogate, alongside Bawaba News, cover vice crimes almost the same way. A number of lawyers and journalists, who were interviewed point out that the coverage often consists of the almost identical reproduction of Morality Police press releases.

This section starts with analysing these websites' coverage of the arrests of individuals who are gay or presumed to be so, and transgender women, highlighting the main problems in this coverage. It then proceeds to a discussion of the role of the media in cooperating with the state in its targeting of those individuals. The section concludes with an analysis of crimes against gay men and transgender women, or those presumed to be so, some of which may be considered to constitute hate crimes and blackmail. One recurring theme in this coverage is the confusion of consensual same-sex relations between adults with crimes of sexual violence against members of the same sex.

Media Coverage of the Crackdown

Most aforementioned news websites, that cover incidents of arrests of gay men and transgender women and individuals with non-normative sexuality rely on a method aimed at creating a state of social moral panic. Through which gay men and transgender individuals are demonized, this happens by misrepresenting them, and portraying them as subhuman. Further there is an exaggeration when covering those events (arresting those individuals as a cataclysmic event) through sensationalist headlines in different media outlets, that magnify the actual scope of the incident (such as the heading, "Arresting the Largest Ring of Sexual Deviants").

Moreover, these media outlets uses terms that are morally charged and demeaning to the dignity of the people arrested (referring to them as 'sex deviants', 'third sex' and associating them with terms such as 'drugs'). All this contributes to demonizing this group of people. Those young people are depicted as a threat to the morals of society, and as violent and dangerous to other citizens, and are highlighted as criminals, especially if they are living with HIV/AIDS.

Academic literature defines moral panics as attempts to maintain sharp boundaries between different identities and patterns of behaviour, as well as maintaining prevalent ideas about specific identities and groups. When these inevitably stereotypical ideas are threatened, the reaction to change can take

the form of moral panic.⁴⁴

Ramy Aly, professor of anthropology at the American University in Cairo, agrees with this analysis, stating that “the current regime derives its legitimacy from portraying itself as the only protection against the rule of chaos, in large part by imposing law and order.” In his view, the principal aim of creating moral panic remains “instilling fear within the people and distracting them from urgent social or economic problems.”

Our analysis of dozens of news articles covering arrests on debauchery charges by the Morality Police reveals common characteristics. Following a shocking headline, the articles usually go directly on to provide almost an identical copy of the contents of press statements released by the Morality Police Directorate. The articles also often name the officers who played a role in the raids.

All the articles use language that is degrading and stigmatizing of gay men and transgender women. Some of the primary characteristics of this coverage is the violation of the privacy of those arrested, such as publishing their names, details about their lives (their place of employment and so on) and even multiple photos without taking into consideration the necessary precautions to safeguard the anonymity of these individuals and their privacy.

Additionally, the headlines inflate the proportions of incidents in question and presume the guilt of those detained. On the one hand, this is because they are simply reproducing police statements, and on the other, it aims, through that kind of coverage, to create a sense of suspense among the readers. Many of these headlines present the arrest of people in cases of debauchery as arrests of “largest ring” of “sexual deviants.” Such as the following example:

“Seizure of Sexual Deviants Ring Organizing Parties in a Nasr City Apartment”⁴⁵

“In pictures: The details of the fall of the largest ring of sexual deviants in a public bathhouse in Azbakiya.. 5 pimps run the bathhouse and lure shemales to practice debauchery in exchange for payment.. the prosecution orders the detention of the pimps and refers 21 men arrested in the bathhouse to medical examination.”⁴⁶

“In pictures: The details of the fall of Doudy’s ring for sexual deviants in Alexandria. Ahmed Doudy confesses: ‘I like men. I don’t want money and I don’t trust girls. I wish Egypt allowed us the same

44- Johansson, Thomas. “Moral panics revisited”. YOUNG, Vol 8, Issue 1, pp. 22 – 35. April 1, 2000. Accessed: 17 November 2017 <https://doi.org/10.1177/110330880000800102>

45- Sobhy, Kareem. «Seizure of of Sexual Deviants’ Ring Organizing Parties in a Nasr City Apartment «. Youm7. 2 April 2014. Accessed 15 November 2017 <http://www.youm7.com/story/2014/4/3/%D8%B6%D8%A8%D8%B7-%D8%B4%D8%A8%D9%83%D8%A9-%D8%B4%D9%88%D8%A7%D8%B0-%D8%AA%D9%86%D8%B8%D9%85-%D8%AD%D9%81%D9%84%D8%A7%D8%AA-%D8%AC%D9%85%D8%A7%D8%B9%D9%8A%D8%A9-%D8%AF%D8%A7%D8%AE%D9%84-%D8%B4%D9%82%D8%A9-%D8%A8%D9%85%D8%AF%D9%8A%D9%86%D8%A9-%D9%86%D8%B5%D8%B1/1592789#.Uz2r1XsaySP>

46- Maraay, Ahmed and Sharkway Mohamed. «In pictures: The details of the fall of the largest ring of sexual deviants in a public bathhouse in Azbakiya...». Youm7. 9 December 2014. Accessed 15 November 2017 <http://www.youm7.com/story/2014/12/9/%D8%A8%D8%A7%D9%84%D8%B5%D9%88%D8%B1-%D8%AA%D9%81%D8%A7%D8%B5%D9%8A%D9%84-%D8%B3%D9%82%D9%88%D8%B7-%D8%A3%D9%83%D8%A8%D8%B1-%D8%B4%D8%A8%D9%83%D8%A9-%D8%B4%D9%88%D8%A7%D8%B0-%D8%AF%D8%A7%D8%AE%D9%84-%D8%AD%D9%85%D8%A7%D9%85-%D8%A8%D9%84%D8%AF%D9%89-%D8%A8%D8%A7%D9%84%D8%A3%D8%B2%D8%A8%D9%83%D9%8A%D8%A9/1983347>

freedom as in the US and other foreign countries.”⁴⁷

“The arrest of Abd al-Aleem (Marleemo), the most notorious sexual deviant in Giza”⁴⁸

As targeting gay men and transgender women by the Morality Police shifted to dating applications and websites, most of the cases came to involve only one or two people. As a result, the police began to gather the numbers of arrests into one statement, representing their activities as successes against “rings of sexual deviants.” For instance, two news articles on different websites in 2015 report the arrest of seven individuals⁴⁹. It is only upon reading the actual articles, however, that it becomes clear that the seven people have no relation to one another and in no way constitute a “ring.” One of those people was arrested in Nasr City, two in Heliopolis, a third in 6th of October City while the others lived in different governorates and had no association with one another as each was entrapped separately.

The language used by these news sites is not only stigmatizing to these individuals but it also refers to acts that are not criminalized in the first place. It uses a morally charged language that is degrading to those with non-normative sexualities or gender identities. According to these news sites, the sexual acts they describe are examples of “vice” and gay men are “sexual deviants.” They use terms such as “shemale” or “sissy” to refer to transgender women. They refer to sex work as prostitution and to extramarital sex as sinful pleasure. They refer to the rape of male children under 18 years old also as “sexual deviancy.” The following are some of the examples used to report about those arrested in a way that undermines their humanity:

“They were accustomed to practising vice and debauchery with men only. They were addicted to committing debauchery and couldn’t resist it.”⁵⁰

“Charges of practising vice”⁵¹

47- Abou al-Aaz, Hanaa . “In pictures: The details of the fall of Doudy’s ring for sexual deviants in Alexandria.» Youm7. 20 November 2016. Accessed 15 November 2017

<http://www.youm7.com/story/2016/11/20/%D8%A8%D8%A7%D9%84%D8%B5%D9%88%D8%B1-%D8%AA%D9%81%D8%A7%D8%B5%D9%8A%D9%84-%D8%B3%D9%82%D9%88%D8%B7-%D8%B4%D8%A8%D9%83%D8%A9-%D8%AF%D9%88%D8%AF%D9%89-%D9%84%D9%85%D9%85%D8%A7%D8%B1%D8%B3%D8%A9-%D8%A7%D9%84%D8%B4%D8%B0%D9%88%D8%B0-%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%89-%D9%81%D9%89-%D8%A7%D9%84%D8%A5%D8%B3%D9%83%D9%86%D8%AF%D8%B1%D9%8A%D8%A9/2975687>

48- Hussein, Mona and Mahdy, Ahmed. “The Arrest of Abd al-Aleem (Marleemo), the Most Notorious Sexual Deviant in Giza”. 4 February 2017. Accessed 15 November 2017

<http://www.elbalad.news/2609591>

49- Ahmed, Hamdy. «In pictures: A Sexual Deviants’ Ring Arrested while Dressing as Women and Practising Prostitution». Tahia Masr. 19 December 2015. Accessed 15 November 2017

<http://www.tahiamasr.com/217967> and Youssef, Ayman. «Details of the Fall of Internet Sexual Deviants Ring». Mobtada. 19 December 2015. Accessed 15 November 2017.

https://www.mobtada.com/n_details.php?ID=419854

50- Abdel Aziz, Naiara. «The <Nasr City Sexual Deviance Ring> Case is postponed till 19th of May». Vetogate. 12 May 2014. Accessed 15 November 2017. <http://www.vetogate.com/1006518>

51- Salah, Ahmed. «A Year in Prison for 3 Sexual Deviants in Hurghada». Mobtada. 23 February 2014. Accessed 15 November 2017 https://www.mobtada.com/n_details.php?ID=156085

“Detention of a shemale with the body of a woman and male genitals in an apartment in 6th of October City”⁵²

From mid-2015 onwards, these sites began to cover cases of online entrapment through dating applications and websites, as if it was a legal and legitimate practice. Consider the following example:

“According to the investigations, an officer of the Morality Police communicated with the suspect posing as a seeker of illicit pleasure with a man. The defendant showed him photos of the men working for him and they agreed on a sum of money. The police then identified his residence, after which the Morality Police raided his home and arrested him. They confiscated tools used for this purpose including laptops and mobile phones used to communicate with those seeking forbidden pleasure.”⁵³

If the person arrested is living with HIV, this is often included in the headline. One such example is a 2014 story published by Youm7 that ran under the headline, “Inside the Nozha Ring: Transsexuals infected with HIV and artificial tools for sexual deviance.”⁵⁴ Living with HIV is used as further proof of guilt that provides an additional reason to stigmatize these people. The article reads:

“The surprise was finding that two members are infected with HIV. The investigations revealed that the first and second suspects, infected with HIV, are the founders of the ring and they are the ones managing it. Upon medical examination, the first and second suspects were found to be infected with HIV and have high levels of female hormones. The morality police seized birth control pills, cameras, laptops and artificial tools used for sexual acts. The prosecution’s investigations are ongoing.”

This type of coverage contributes to the stigma and discrimination that people living with HIV face, which are some of the major obstacles limiting their ability to access much needed information and services.

52- al-Gaafari, Ahmed. «A sexual deviant is imprisoned on the charges of practicing vice and attempts to solicit pleasure seekers». Youm7. 24 September 2014. Accessed 15 November 2017

<http://www.youm7.com/story/2014/9/24/%D8%AD%D8%A8%D8%B3-%D8%B4%D8%A7%D8%B0-%D8%AC%D9%86%D8%B3%D9%8A%D9%8B%D8%A7-%D9%85%D8%AA%D9%87%D9%85-%D8%A8%D9%85%D9%85%D8%A7%D8%B1%D8%B3%D8%A9-%D8%A7%D9%84%D8%B1%D8%B0%D9%8A%D9%84%D8%A9-%D9%88%D9%85%D8%AD%D8%A7%D9%88%D9%84%D8%A9-%D8%A7%D8%B3%D8%AA%D9%82%D8%B7%D8%A7%D8%A8-%D8%B1%D8%A7%D8%BA%D8%A8%D9%89-%D8%A7%D9%84%D9%85%D8%AA%D8%B9%D8%A9/1879274>

53- Aly, Selim. «The imprisonment of a women’s hairdresser for 4 days on the charge of running a residence for sexual deviants in Agouza». Youm7. 19 October 2016. Accessed 15 November 2017

<http://www.youm7.com/story/2016/10/19/%D8%AD%D8%A8%D8%B3-%D9%83%D9%88%D8%A7%D9%81%D9%8A%D8%B1-%D8%AD%D8%B1%D9%8A%D9%85%D9%89-4-%D8%A3%D9%8A%D8%A7%D9%85-%D9%84%D8%A7%D8%AA%D9%87%D8%A7%D9%85%D9%87-%D8%A8%D8%A5%D8%AF%D8%A7%D8%B1%D8%A9-%D8%B4%D9%82%D8%A9-%D9%84%D9%84%D8%B4%D9%88%D8%A7%D8%B0-%D8%A8%D8%A7%D9%84%D8%B9%D8%AC%D9%88%D8%B2%D8%A9/2929431>

54- Hashem, Mohamed and Talaat, al-Shaymaa. «In Nozha Ring.. HIV-infected Transsexuals and Artificial Tools for Sexual Deviance». Rosa al-Youssef. 6 May 2014. Accessed: 15 November 2017

<http://www.rosaeveryday.com/news/65789/%D9%81%D9%89-%D8%B4%D8%A8%D9%83%D8%A9-%D8%A7%D9%84%D9%86%D8%B2%D9%87%D8%A9-%D8%A7%D9%84%D9%85%D8%AE%D9%86%D8%AB%D9%88%D9%86-%D9%85%D8%B5%D8%A7%D8%A8%D9%88%D9%86-%D8%A8%D8%A7%D9%84%D8%A5%D9%8A%D8%AF%D8%B2-%D9%88%D8%A3%D8%AF%D9%88%D8%A7%D8%AA-%D8%B5%D9%86%D8%A7%D8%B9%D9%8A%D8%A9-%D9%84%D9%84%D8%B4%D8%B0%D9%88%D8%B0>

Violations of Privacy

Many of the stories reporting on arrest campaigns or entrapment of gay men and those accused of habitual practice of debauchery include personal details and information about the individuals arrested that either reveal their identities or make them easy to find. Some websites publish their full names, as well as information about the districts where they live and their employment or place of work. There have also been instances where passport numbers of deported gay foreign nationals were published.

Such sensationalist coverage often relies on publishing numerous personal photos that show those individuals wearing make-up and women’s clothing, usually photos they had shared on dating applications and websites. There is no way that these news websites would have acquired these images except through the police. This insistence on publishing numerous photos with relatively small news, not exceeding a paragraph or two, confirms that what drives these websites is not the right of the public to know, but rather to create scandals.

In one example in Youm7, the desire to violate privacy of others, was so flagrant that the site covered the same case twice under slightly different headlines. In the second attempt, the headline references the photos attached to the article⁵⁵⁶. Moreover, the police, and less often the prosecution, allow the presence of journalists during interrogations in a clear violation of the right to privacy and of the confidentiality of the investigations. These journalists take photos and record videos without the consent of those arrested. Where there are no photos available for a case being covered, the websites use archival images of individuals convicted in past debauchery cases accompanied by a caption along the lines of “A sexual deviant – archival photo.”

It should be noted that in contrast to the inflammatory coverage of arrests, interrogations and harsh sentences levelled against them by Misdemeanours Courts (first instance courts), little attention is paid to acquittals or the reduction of sentences by the Court of Appeal. This reveals the desire of such websites to only cover “sex scandals”. Such websites already condemn those arrested before a verdict is reached. For example they don’t use terms such as, “the defendant”, or “according to police reports”. In addition to completely ignoring the principle of presumption of innocence (*ei incumbit probatio qui dicit, non qui negat*, Latin for the burden of proof is on the one who declares, not on one who denies), dictating that defendants are innocent until proven guilty. They further pay no attention to the privacy of those arrested and at the same time ignore when sentences are reduced or when they are acquitted. As such it is a coverage that undermines the lives of individuals and is unaware of the damage it inflicts on those individuals as a result of this slander and preconceived judgements.

One of the families interviewed by EIPR researchers was forced to leave their home and move to another governorate after news of the arrest of one of their sons in a debauchery case became public. In another example, one of the defendants in the Bab al-Bahr case attempted suicide after the acquittal and his release from detention because he felt unable to cope with society, and particularly the attention from neighbours and colleagues.

55- Abdel al-Rady, Mahmoud. «The Fall of the Doudy Ring, the Biggest Gathering of Sexual Deviants in Montaza, in Alexandria». Youm7. 20 November 2016. Accessed: 15 November 2017 <http://www.youm7.com/story/2016/11/20/%D8%B3%D9%82%D9%88%D8%B7-%D8%B4%D8%A8%D9%83%D8%A9-%D8%AF%D9%88%D8%AF%D9%89-%D8%A3%D9%83%D8%A8%D8%B1-%D8%AA%D8%AC%D9%85%D8%B9-%D9-%84%D9%84%D8%B4%D9%88%D8%A7%D8%B0-%D9%81%D9%89-%D8%A7%D9%84%D9%85%D9%86%D8%AA%D8%B2%D9%87-%D8%A8%D8%A7%D9%84%D8%A5%D8%B3%D9%83%D9%86%D8%AF%D8%B1%D9%8A%D8%A9/2975277>

56- Abou al-Aaz, Hanaa . “In pictures: The details of the fall of Doudy’s ring for sexual deviants in Alexandria.», Ibig

The media as a partner in the security crackdown: media informants

Media personnel play significant roles in incitement against gay men, transgender women and men who have sex with men, as evidenced by the above. Especially with the assistance of the police, in seeking to create grand sex scandals. In these instances, the media stops playing its role in covering the news and turns into an instigator for the Ministry of Interior against those individuals, going as far as reporting them and even accompanying the police when conducting those arrests.

The two most prominent cases of incitement against gay men, or those perceived as such, was what Talk Show host Tamer Amin did, in what is known in the media as “the deviants’ marriage” and what Talk Show host Mona Iraqi did, in the case of Bab al-Bahr Bathhouse.

In the case known in the media as the “sexual deviants’ wedding” or the “gay wedding video,” Amin’s intervention unfolded over several stages. First, he broadcasted parts of a video that had been widely viewed on YouTube of two young men exchanging rings on a Nile boat. He called for the police to quickly intervene to arrest the people who appeared in the video, which, he said spreads debauchery and vice. In another episode, one of the two men called in and Amin interrogated him on air about his sexual orientation and about the nature of his relationship with the other man shown in the video. After the arrests of all eight men who appeared in the video, Amin praised the role of the police in going after gay men.

The press, in its turn, described the scenes on the boat as⁵⁷ “shameful, regrettable scenes that anger God, undermine public modesty and constitute felony crimes.” The arrests were depicted as a major achievement for the Morality Police in Cairo and Alexandria.⁵⁸ Although a friend of one of the men who was exchanging rings on the video told EIPR that he turned himself into the police, the media praised the role of the police in pursuing the suspects and published the name of the young man. The media celebrated the statement of the Public Prosecutor about the importance of quickly referring the suspects to court in order to “protect society’s values.”⁵⁹

In the case of the Bab al-Bahr bathhouse, television presenter Mona Iraqi announced on 7 December

57- Sobhy, Kareem. «1st of November.. Verdict for the 8 protagonists of the sexual deviants marriage». Youm7. 11 October 2014. Accessed: 15 November 2017 <http://www.youm7.com/story/2014/10/11/1-%D9%86%D9%88%D9%81%D9%85%D8%A8%D8%B1-%D8%A7%D9%84%D8%AD%D9%83%D9%85-%D8%B9%D9%84%D9%89-8-%D9%85%D9%86-%D8%A3%D8%A8%D8%B7%D8%A7%D9%84-%D9%81%D9%8A%D8%AF%D9%8A%D9%88-%D8%B2%D9%88%D8%A7%D8%AC-%D8%A7%D9%84%D8%B4%D9%88%D8%A7%D8%B0/1900971>

58- Taher, Shereen. «Arrest of a sexual deviant who married his friend on a boat by the Nile». al-Wafd. 8 September 2014. Accessed: 15 November 2017 <https://alwafd.org/%D8%AD%D9%88%D8%A7%D8%AF%D8%AB-%D9%88%D9%82%D8%B6%D8%A7%D9%8A%D8%A7/736221-%D8%A7%D9%84%D9%82%D8%A8%D8%B6-%D8%B9%D9%84%D9%89-%D8%B4%D8%A7%D8%B0-%D8%AA%D8%B2%D9%88%D8%AC-%D8%B5%D8%AF%D9%8A%D9%82%D9%87-%D9%81%D9%89-%D9%85%D8%B1%D9%83%D8%A8-%D8%A8%D8%A7%D9%84%D9%86%D9%8A%D9%84>

59- Metwally, Ahmed. «Public Prosecutor orders the speedy trial of those implicated in the <sexual deviance marriage...». Youm7. 6 September 2014. Accessed 15 November 2017 <http://www.youm7.com/story/2014/9/6/%D8%A7%D9%84%D9%86%D8%A7%D8%A6%D8%A8-%D8%A7%D9%84%D8%B9%D8%A7%D9%85-%D9%8A%D8%A3%D9%85%D8%B1-%D8%A8%D8%B3%D8%B1%D8%B9%D8%A9-%D8%A5-%D8%AD%D8%A7%D9%84%D8%A9-%D8%A7%D9%84%D9%85%D8%AA%D9%88%D8%B1%D8%B7%D9%8A%D9%86-%D9%81%D9%89-%D8%AD%D9%81%D9%84-%D8%B2%D9%81%D8%A7%D9%81-%D8%A7%D9%84%D8%B4%D9%88%D8%A7%D8%B0/1852451>

2017, on the Facebook page of her program “The Hidden” her role in exposing a “den of group deviance” at the bathhouse, by reporting it to the police. Later, she broadcast a video of herself accompanying the morality police during the raid on the bathhouse as she took photos and videos of the men without their consent who, as visitors at a bathhouse, were almost naked. Iraqi came under attack from a number of media figures in the press, and was criticized by visitors on her show discussing HIV. She then claimed that her actions had been motivated by serving the interest of the men as she wanted to make sure they were protected from the dangers of HIV.

The Bab al-Bahr bathhouse received wide-scale media coverage, as expected, characterized by the themes outlined above of inflammatory, stigmatizing language, sensationalism and the violation of the privacy of those arrested. Youm7, for example, published the full details, with the names of those arrested, the districts they live in as well as other personal details. The story ran under the headline “Youm7 publishes the complete names and details of the 5 suspects leading a sexual deviants ring in a bathhouse in Azbakiya along with 21 other suspects.”⁶⁰ It is noteworthy that the website published details that contradict the report of the police and prosecution. In December 2014, Youm7 stated that the Forensic Medicine Authority had found that 12 of the arrested men had “practised sexual deviancy,”⁶¹ contradicting the report of the Forensic Authority obtained by EIPR and the ruling of the Azbakiya Misdemeanours Court’s acquittal, itself published by Youm7.⁶²

Even in covering the acquittal, Youm7 continued to use stigmatizing language. The story of the ruling ran under the headline, “The acquittal of the sexual deviants in Bab al-Bahr bathhouse.” In Vetogate’s coverage of the defamation case against Iraqi filed by the defendants’ lawyer, the headline read, “The Public Prosecution orders an investigation into Mona Iraqi’s defamation of the sexual deviants of Ramses.”⁶³

Equating consensual relationships with crimes of sexual violence

A dangerous pattern that EIPR documented in the media coverage of what is technically termed, “debauchery” and what is known in the media as “sexual deviance” cases is the absence of any distinction

60- Maraay, Ahmed and Sharkway Mohamed., Ibid

61- Sharkway, Mohammed. “The Forensic Medicine Authority Confirms the Practice of Deviance for the 12 Suspects in the Azbakiya Bathhouse Case:». Youm7. 14 December 2014. Accessed: 15 November 2017
<http://www.youm7.com/story/2014/12/14/%D8%A7%D9%84%D8%B7%D8%A8-%D8%A7%D9%84%D8%B4%D8%B1%D8%B9%D9%89-%D9%8A%D8%A4%D9%83%D8%AF-%D9%85%D9%85%D8%A7%D8%B1%D8%B3%D8%A9-12-%D9%85%D8%AA%D9%87%D9%85%D8%A7-%D8%A8%D9%82%D8%B6%D9%8A%D8%A9-%D8%AD%D9%85%D8%A7%D9%85-%D8%A7%D9%84%D8%A3%D8%B2%D8%A8%D9%83%D9%8A%D8%A9-%D9%84%D9%84%D8%B4%D8%B0%D9%88%D8%B0/1989497>

62- Mustafa, Amer. «The full text of the reasoning of the acquittal verdict for the defendants of sexual deviance in Bab al-Bahr...». Youm7. 21 January 2015. Accessed: 15 November 2017
<http://www.youm7.com/story/2015/1/21/%D8%A7%D9%84%D9%86%D8%B5-%D8%A7%D9%84%D9%83%D8%A7%D9%85%D9%84-%D9%84%D8%AD%D9%8A%D8%AB%D9%8A%D8%A7%D8%AA-%D8%AD%D9%83%D9%85-%D8%A8%D8%B1%D8%A7%D8%A1%D8%A9-%D9%85%D8%AA%D9%87%D9%85%D9%89-%D8%A7%D9%84%D8%B4%D8%B0%D9%88%D8%B0-%D8%A8%D9%80-%D8%AD%D9%85%D8%A7%D9%85-%D8%A8%D8%A7%D8%A8/2035248>

63- Ayman, Abeer. «Public Prosecutor Orders Investigations in Mona Iraqi’s Slander of the Ramsis Sexual Deviance Defendants». Vetogate. 31 January 2015. Accessed: 15 November 2017
<http://www.vetogate.com/1456252>

between same-sex consensual sexual relations and sexual assaults committed against others of the same sex, whether adults or minors. This confusion is done under the pretext that all of these “incidents” are “cases and incidents of deviance”. We find that the one of the most used terms is “sexual deviance”, and it is used in the news instead of “debauchery”. “Debauchery” is meant here to refer to homosexuality.

Although homosexuality is not criminalized by law, as explained before, and what is criminalized is “habitual practice of debauchery”, defined as a man having sex with other men indiscriminately, media coverage as described above gives the reader the incorrect impression that homosexuality in of itself is a crime according to the law. The aforementioned media coverage does not make the distinction between same-sexual activity done with minors, under 18 years of age (which is considered assault or violation according to the law) or between adults.

The most illustrative example of this lack of distinction between consensual sexual relations and sexual violence is a November 2014 case of the rape of male students who were exploited for financial gain by their teacher. The incident received coverage by several news websites, we discuss here the coverage of three news sites. Two of them employed the following identical headline, “The fall of a ring of sexual deviants practising debauchery in a school in Helwan.”⁶⁴ These articles reported only that the Morality Police had arrested six people including a teacher practising “deviancy and debauchery” with his students, while the third coverage⁶⁵, covered by Youm7, included more details. It stated that the teacher lured the students to practice “deviancy and debauchery with him.” Youm7, however, made no reference to the fact that adult teachers engaging in sex with high school students less than 18 years of age would amount to rape. The legal character given to such a crime is “indecent assault.” This case particularly calls for a harsher sentence given that the perpetrator was someone with authority over the students.

The articles also make no distinction between the teacher’s rape of minor students, consensual relations between the teacher and his friends, and the teacher’s exploitation of students by offering them to sex seekers for money. Although the piece uses the term “financial gain,” the way the article is formulated suggests that all the actors are implicated in the same way and that all those actions are acts of sexual deviance and debauchery.

The headline in another case in August 2016 indicated that four people were arrested “for participat-

64- Hashem, Mohamed. «The Fall of Sexual Deviance Ring practising Debauchery inside a School in Helwan». Vetogate. 16 November 2014. Accessed 17 November 2017

<http://www.vetogate.com/1329333>

And

«Arrest of a Sexual Deviance Ring Practising Debauchery in a School in Helwan». El-Amwal. 16 November 2014. Accessed 17 November 2017

<http://www.elamwal.com/mt-69623>

65- Ibrahim, Mohamed. «Details of the Arrest of a Secondary Teacher Practising Debauchery with his Students and Friends while taking Photos...». Youm7. 16 November 2014. Accessed: 17 November 2017

<http://www.youm7.com/story/2014/11/16/%D8%AA%D9%81%D8%A7%D8%B5%D9%8A%D9%84-%D8%B6%D8%A8%D8%B7-%D9%85%D8%AF%D8%B1%D8%B3-%D8%AB%D8%A7%D9%86%D9%88%D9%89-%D9%8A%D9%85%D8%A7%D8%B1%D8%B3-%D8%A7%D9%84%D9%81%D8%AC%D9%88%D8%B1-%D9%85%D8%B9-%D8%B7%D9%84%D8%A7%D8%A8%D9%87-%D9%88%D8%A3%D8%B5%D8%AF%D9%82%D8%A7%D8%A6%D9%87-%D9%88%D9%8A%D8%B5%D9%88%D8%B1%D9%87%D9%85/1953716>

ing in a sexual deviance party.”⁶⁶ The article relates that “an individual filed a police report for theft after being lured by someone to a meeting. Police interrogations showed that the claim was untrue, and that the two had communicated online and agreed to meet. When the man went to the apartment, he found “sexual deviants having a party and they forced him to take part.” This kind of coverage makes it unclear whether if the person was lured by a number of men with the intention of raping him or if it was a robbery and using his sexuality to blackmail him through entrapment via dating websites and applications for men who have sex with men or transgender women. It is also not clear whether the person who filed the report was arrested along with the others or not. Moreover, no legal charge exists against having a “sexual deviance party.” The charge is the habitual practice of debauchery.

Coverage of crimes of blackmail, theft or murder (what amounts to hate crimes) of gay and transgender people

Media coverage of crimes of murder, theft or blackmail in which the victims are LGBTQ individuals or presumed to be so, rarely present the events as crimes. This is the case even when there is overwhelming evidence indicating the occurrence of a hate crime⁶⁷. Crimes of blackmail and theft portray the perpetrator as exploiting the “person’s desire to practice sexually deviant acts.” In cases of murder, the coverage usually condemns both the perpetrator and the victim for their “sexual deviance.” There are even examples of the coverage reaching the point of highlighting the motivation of the murderer in a way that appears sympathetic of the perpetrator.

The period of media documentation of this report, also observed a number of murder cases of gay men or those perceived as such, by individuals who are sexually involved with the victims. We discuss here the coverage of seven of these incidents.

The first incident we consider is the murder of an Italian citizen by an Egyptian in 2014. The victim’s stigmatization began with the headline⁶⁸, “The interrogation of a suspect in the murder of an Italian sexual deviant in Nasr City.” The article itself not only refers to the victim as a “sexual deviant” but goes further, stating that interrogation revealed that the victim “used to lure young men to practice debauchery,” and goes on to relate that it was when he took photos of the perpetrator that he was killed. This presentation implicitly justifies the murderer’s actions given the homosexuality of the victim and the insinuation that he was “luring” young men to practice debauchery, which constitutes some kind of pardon for the murderer from being indicted, as he was misled

66- Tarek, Fatma. «The Imprisonment of 4 Young Men on the Charge of Participating in a Sexual Deviance Party in al-Marg». Vetogate. 22 August 2016. Accessed: 17 November 2017 <http://www.vetogate.com/2331842>

67- «Violence and offenses motivated by racism, xenophobia, religious intolerance, or by bias against a person’s disability, sexual orientation or gender identity are all examples of hate crime.» «European Union Agency for Fundamental Rights.» Hate crime | European Union Agency for Fundamental Rights. September 11, 2017. Accessed November 17, 2017. <http://fra.europa.eu/en/theme/hate-crime>

68- Sobhy, Kareem. «The Interrogation of a Suspect Accused with Murdering an Italian Sexual Deviant in Nasr City». Youm7. 18 January 2014. Accessed: 17 November 2017. <http://www.youm7.com/story/2014/1/18/%D8%A7%D9%84%D8%AA%D8%AD%D9%82%D9%8A%D9%82-%D9%85%D8%B9-%D8%A7%D9%84%D9%85%D8%AA%D9%87%D9%85-%D8%A8%D9%82%D8%AA%D9%84-%D8%A5%D9%8A%D8%B7%D8%A7%D9%84%D9%89-%D8%B4%D8%A7%D8%B0-%D8%A8%D9%85%D8%AF%D9%8A%D9%86%D8%A9-%D9%86%D8%B5%D8%B1/1460501>

And in a crime similar to the one mentioned above, four murders occurred during 2016 and were covered by the same news websites. The first of these was the murder of a 50-year-old gay man by an 18-year-old in January 2016. The news coverage did not clarify whether the perpetrator would be tried as a child or an adult, and indeed made no reference to his minor status. Nor was the question raised of whether the 18-year-old might have been raped. More space was given instead to the young man's statements which clearly explain the nature of a hate crime. He stated, "I killed him because he is not a man," going on to say, "He led me to sin and deviance. He exploited my need for money and seduced me. Of course I followed. He had food, money and clothes. He wanted nothing in return except for one thing: pleasuring him with deviant sexual acts."⁶⁹

The shape and tone of the press coverage is almost identical to other two cases of murder that took place in March and May 2016. In both murder cases⁷⁰ the suspect killed the victim after being asked to switch roles during same-sex sexual relations, meaning that the victim would penetrate the perpetrator. Here we also notice the implicit condemnation of the victim and implicit exoneration of the perpetrator. If the news website explicitly denounces same-sex practices, calling it: "sexual deviance", there is however, a lesser condemnation of same-sex practised, specifically to the party that plays the role of the "man". And naturally a bigger stigma to those perceived to be playing the role of the "women". Hence, it becomes justified when a man would stand up to his threatened masculinity – even when he partakes in a same-sex practice- when asked to assume the role of the women in sexual relations. In the headline of the May murder case, the wording was as such: "the victim and the suspect are both sexual deviants", in a way equating the perpetrator with the victim because they are both condemned as gay men.

The coverage of a murder that took place in late 2016 clearly demonstrates the sympathy shown to individuals accused of murdering gay men. The coverage reveals, in details, how the perpetrator re-

69- Fathy, Mahmoud. «The Murderer of Sadat City Worker Confesses: I killed him because was not decent and he lured me to vice and deviance». Youm7. 25 January 2016. Accessed: 17 November 2017

<http://www.youm7.com/story/2016/1/25/%D9%82%D8%A7%D8%AA%D9%84-%D8%B9%D8%A7%D9%85%D9%84-%D8%A7%D9%84%D8%B3%D8%A7%D8%AF%D8%A7%D8%AA-%D9%8A%D8%B9%D8%AA%D8%B1%D9%81-%D9%82%D8%AA%D9%84%D8%AA%D9%87-%D8%B9%D8%B4%D8%A7%D9%86-%D9%85%D8%B4-%D9%85%D8%AD%D8%AA%D8%B1%D9%85-%D9%88%D8%AC%D8%B1%D9%86%D9%89-%D9%84%D9%84%D8%B1%D8%B0-%D9%8A%D9%84%D8%A9/2554469>

70- Ahmed, Ibrahim. «A Fisherman Kills his Friend during a Disagreement while Committing Sexual Deviance in Misr al-Qadima». Youm7. 18 March 2016. Accessed: 17 November 2017.

<http://www.youm7.com/story/2016/3/18/%D8%B3%D9%85%D8%A7%D9%83-%D9%8A%D9%86%D9%87%D9%89-%D8%AD%D9%8A%D8%A7%D8%A9-%D8%B5%D8%AF%D9%8A%D9%82%D9%87-%D9%84%D8%AE%D9%84%D8%A7%D9%81%D9%87%D9%85%D8%A7-%D8%A3%D8%AB%D9%86%D8%A7%D8%A1-%D9%85%D9%85%D8%A7%D8%B1%D8%B3%D8%AA%D9%87%D9%85%D8%A7-%D8%A7%D9%84%D8%B4%D8%B0%D9%88%D8%B0-%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%89-%D8%A8%D9%85%D8%B5%D8%B1/2634716>

and
Selim, Nada. «Investigation in the Murder of an Old Man by an Unemployed Man in Rod al-Farag: The Victim and the Suspect are Sexual Deviants». 13 May 2016. Accessed: 17 November 2017

<http://www.youm7.com/story/2016/5/31/%D8%A7%D9%84%D8%AA%D8%AD%D9%82%D9%8A%D9%82%D8%A7%D8%AA-%D9%81%D9%89-%D9%85%D9%82%D8%AA%D9%84-%D8%B9%D8%AC%D9%88%D8%B2-%D8%B9%D9%84%D9%89-%D9%8A%D8%AF-%D8%B9%D8%A7%D8%B7%D9%84-%D8%A8%D8%B1%D9%88%D8%B6-%D8%A7%D9%84%D9%81%D8%B1%D8%AC-%D8%A7%D9%84%D9%82%D8%AA%D9%8A%D9%84/2741325>

peatedly tried to kill the victim by striking him on the head with a vase, then attempting to strangle him with a cord and finally by stabbing him with a knife. Instead of considering all of those actions as sufficient reason for a premeditated intention to kill the victim, the news website tried to justify the murder, by saying that although the victim was bleeding due to his head injury, he insisted on keeping the perpetrator close to him, to be able to “engage him in a sinful relation”. Such persistence drove the perpetrator to try to kill the victim twice, till he succeeded. The perpetrator only received three years mandatory prison sentence for such a crime.⁷¹

The two murder cases that took place in 2017 were both in February. In the first murder case committed in Alexandria, according to Youm7 headline: “Sexual Deviancy and Financial Disputes behind the Murder Crime of Worker in Alexandria”.⁷² This headline is one of the few headlines were the word “crime” to describe the killing of a gay man or men who have sex with men.

Unlike another murder in the same month, a man in his 50s was killed by two individuals, one 21 years old and the other 16 years of age. The murderers also stole from the victim. The headline was: “He asked us for sodomy so we decided to take revenge.” The first line of the article states that, “this person’s deviant desires was the trap that led to his murder.”⁷³ In this incident the perpetrators said “The victim invited them over to his house to consume alcohol and then to commit sexual deviance, but they refused and went back specifically to take revenge on him, killing and robbing him.

In several incidents of crimes of theft and blackmail, LGBTQ dating applications and websites are used to lure gay and trans individuals under false pretences, to rob them, blackmail them or physically assault them. This is a tactic similar to that employed by the morality police to entrap LGBTQ individuals but with with the intention of arresting them. Doubtless that these news are never covered as cases of blackmail or incidents of homophobia and transphobia. Or that these crimes target specific individuals and punish them for their sexual orientations and practices.

In the headline of one of these incidents⁷⁴, which occurred in August 2016, the news stated that a man

71- Salama, Ahmed. «A 3 Years Imprisonment for Kung Fu Trainer who killed a Sexually Deviant Engineer». Vetogate. 17 October 2016. Accessed: 17 November 2017
<http://www.vetogate.com/2414208>

72- Abo, al-Ezz. «Sexual Deviancy and Financial Disputes behind the Murder of Worker in Alexandria». Youm7. 6 February 2017. Accessed: 17 November 2017
<http://www.youm7.com/story/2017/2/6/%D8%B4%D8%B0%D9%88%D8%B0-%D8%AC%D9%86%D8%B3%D9%89-%D9%88%D8%AE%D9%84%D8%A7%D9%81%D8%A7%D8%AA-%D9%85%D8%A7%D9%84%D9%8A%D8%A9-%D9%88%D8%B1%D8%A7%D8%A1-%D8%AC%D8%B1%D9%8A%D9%85%D8%A9-%D9%82%D8%AA%D9%84-%D8%B9%D8%A7%D9%85%D9%84-%D9%85%D8%B9%D8%B1%D8%B6-%D9%81%D9%89/3089816>

73- Aly, Selim. «Confessions of Two Young Men who Killed a Sexual Deviant in Awsim: He asked sodomy of us, so we decided to take revenge on him». Youm7. 17 February 2017. Accessed: 17 November 2017
<http://www.youm7.com/story/2017/2/17/%D8%A7%D8%B9%D8%AA%D8%B1%D8%A7%D9%81%D8%A7%D8%AA-%D8%B4%D8%A7%D8%A8%D9%8A%D9%86-%D9%82%D8%AA%D9%84%D8%A7-%D8%B4%D8%A7%D8%B0%D8%A7-%D8%A8%D8%A3%D9%88%D8%B3%D9%8A%D9%85-%D8%B7%D9%84%D8%A8-%D9%85%D9%86%D8%A7-%D8%A7%D9%84%D9%84%D9%88%D8%A7%D8%B7-%D9%81%D9%82%D8%B1%D8%B1%D9%86%D8%A7-%D8%A7%D9%84%D8%A7%D9%86%D8%AA%D9%82%D8%A7%D9%85/3106931>

74- Dwam, Nihal. «An Unemployed Man and a Technician Lure a Sexual Deviant and Photograph him Naked in al-Khosus». Vetogate. 4 August 2016. Accessed: 17 November 2017
<http://www.vetogate.com/2305906>

reported to the police that his money as well as his phone had been stolen by two people who forced him to sign 10 blank checks and took nude photos of him as they searched his apartment. The article goes on to state that the police then uncovered the “truth,” which is that this person is a “sexual deviant” and that the two other persons had lured him through online sites to steal his money and blackmail him. In this instance, the police arrested the perpetrators. In another blackmail case, a person stole from several gay individuals whom he had arranged to meet online. Upon meeting them⁷⁵, he would beat them, steal their money and take photos of them. One of the victims filed a police report. Youm7’s coverage mentioned that the perpetrator “exploited the wantonness of sexual deviants to have sex with others for money and decided to hunt down deviants through social networking websites.”

75- Abo El-Ezz, Hanaa and Abdel Rady, Mahmoud. «A Bodyguard Entraps Sexual Deviants through Facebook: Undresses them, photographs them and robs them». Youm7. 21 November 2016. Accessed: 17 November 2017
<http://www.youm7.com/story/2016/11/21/%D8%A8%D9%88%D8%AF%D9%89-%D8%AC%D8%A7%D8%B1%D8%AF-%D9%8A%D8%B5%D8%B7%D8%A7%D8%AF-%D8%A7%D9%84%D8%B4%D9%88%D8%A7%D8%B0-%D8%B9%D8%A8%D8%B1-%D9%81%D9%8A%D8%B3-%D8%A8%D9%88%D9%83-%D9%88%D9%8A%D8%AC%D8%B1%D8%AF%D9%87%D9%85-%D9%85%D9%86-%D9%85%D9%84%D8%A7%D8%A8%D8%B3%D9%87%D9%85/2977586>

CONCLUSION AND RECOMMENDATIONS

EIPR believes that expanding the employment of Law 10/1961 to go after adults and punish them for consensual sexual relations for the sole reason that their sexual orientations and practices are not socially sanctioned is a clear violation of the rights of these people to privacy and their right to freely make decisions regarding their sexuality. Until there is a serious social dialogue about the legal and constitutional imperative for criminalizing adult consensual sexual relations, we recommend the urgent implementation of the following measures in order to curb the serious violations perpetrated against Egyptian citizens:

The Police:

- Morality Police should end the practice of pursuing and entrapping individuals with non-normative sexualities and gender identities through LGBTQ dating applications and websites.
- Police Personnel should refrain from violating the rights of arrested individuals. Those involved in assaulting, insulting, demeaning and threatening detained individuals in habitual practice of debauchery cases with sexual violence, should be held accountable.
- Police officers should not allow the presence of the media during interrogations nor allow journalists to take pictures of detained individuals and violate their privacy by publishing information and details about their private lives and practices.
- Should cease presenting the possession of cosmetics, women's clothing and similar items, whose possession doesn't constitute a crime, as evidence in debauchery cases.
- Should cease presenting condoms as evidence in habitual practice of debauchery cases. This practice presents a major threat to the health of gay and transgender women and men who have sex with men.

Public Prosecution:

- Should issue a periodical bulletin to prohibit forced anal examinations as constituting a form of degrading, harsh and inhumane treatment.
- Should allow sufficient time between the arrest of suspects and their referral to court in order to allow their lawyers an opportunity to review the records of the arrest and investigative reports.

The Doctors' Syndicate:

- Should add an article to the Medical Code of Ethics prohibiting doctors from participating in forced anal examinations, which constitute a form of degrading and inhumane treatment, amounting to torture.

Appendix I

TESTIMONIES

This appendix contains example of field testimonials collected by EIPR researchers from suspects and formerly convicted individuals during the past four years.

Warning: The testimonials contain obscene language

Alaa's Testiomny

(Interview conducted by Dalia Abdel Hamid 2014)

The party was on 4 November, 2013, the Egyptian Valentine's Day, in a villa in the compound next to the Waha Hotel. The party organizers rented the garden of the villa and the doors were open. It was a swank party, nicely done up. After a while, the police truck came. The party organizer said it was nothing. The police picked out certain people (nine men and a woman who was responsible for the shisha pipes). There were about 300 people at the party, most of them young. The officer approached me and asked me if I'd been drinking and he asked for my ID. Then he told me to come with him so he could see if I'd been drinking.

From that moment until I reached the police truck, me and the other people who were arrested were roughed up, beaten, and insulted. As soon as we got in the truck, they shut off the mobile phones. They took us to the first October police station. Right when we entered, there were lots of insults and curses involving our families and religion. They put us in a room and took our mobile phones and IDs. They tried to film our faces with their mobile phones, so we hid our faces. They put us in a room with desks and locked us in there. Then they began to call us out in pairs. There were lots of police officers in the chief's office. There was one officer named Tareq al-Ahwal. The officers sat there making fun of us and saying, "Hey there, pretty girl," and other vile insults. They stripped us and made fun of us and were trying to insert batons in our rear ends. I resisted and was beaten. They put us back in the room and locked us in there from 3 am until the next afternoon. The next day, the station employees came and there was a new round of curses, insults, and severe beatings. They refused to let us go to the bathroom. They would bring anyone who was there to file a police report into the room and tell them, "Look at this. These are some fags we caught sleeping with each other." They let out some of the jailed prisoners to come look at us, telling them, "So when they're locked up, you'll know who they are."

We were brought before the prosecution the night of 5 November. The prosecutor told me that it was written on the report before him that the officer asked me

how long I'd been engaging in deviant behaviour and I responded that I always did it. I told the prosecutor that had not happened. He also told me it was written in the report that they apprehended me while I was sleeping with a man. I told the prosecutor that they had asked me my name and where I lived, and the prosecutor wrote down that I had said that the other statements did not happen. We learned from some junior policemen that the medical examination was the next day. After we were taken to the prosecution, we went to the al-Manashi police station. They beat us and roughed us up, told us to give them all our personal items, and searched us. They wanted to put us by pairs in custody, but we refused and told them we would stay together, so they insulted and beat us. In the end, an officer came and said not to let us spend the night in the custody. We slept in the corridor between the custody cells. The officer left and other people came in on the morning of 6 November. They started to tell the prisoners, "We'll give you some people to sleep with, but how much will you pay?" We refused to move and agreed that we would all stick together.

On 6 November in the afternoon, we went to the medical examiner's office in Ramsis. The policemen would not stop the truck in front of the medical examiner's office, but parked far away and marched us in the street. When someone would ask, they would say, these are some fags we caught sleeping with each other. When we reached the medical examiner's office, officers beat and cursed us and said we were trash. They poured water on us. They kept cursing us until the doctors arrived. They examined us, and when I asked the doctor what he would write in the report, he said he wasn't allowed to tell me. They wrote a preliminary report and sent us back to the prosecution, which asked for medical tests. After that they took us to the Central Security Forces' camp in 6th of October. We slept there in a room in custody, and woke up there on 7 November. We stayed at the Central Security Forces' camp until late and then they took us to do the medical tests. They took blood and urine samples to check for AIDS, hepatitis C, and drugs. They then took us to the prosecution, where we were given 15 days and they took us back to the camp. They put us in custody, and then an officer named Khaled came and said to put us in a room by ourselves.

By then, people's families had started to find out and came to visit the camp. We stayed at the camp three or four days. The judge set an expedited hearing, I think it was Tuesday, 12 November. The day of the hearing, they took us very late—about 4 pm—saying they had no trucks, and by the time we got there, the judge had gone. There was another judge who extended the case to Thursday, 14 November. Our friends had heard and brought many lawyers, and the lawyers tried to argue the case, but the judge said it wasn't his case. We went back to the camp and then went to the hearing on Thursday. There was a lawyer who spoke about the loopholes in the case and the inconsistencies in the police report and asked for our release. They told us we would wait until Saturday because no order was given. They took us to a police station in the Smart Village, where they told us that a release order was issued, but they would take us to the Ker-dasa police station to see if we had any pending cases against us. Right when we got there, they beat us and took our IDs to examine them in the Giza security

directorate. They made us cards with our photos in morality violations records and said that many people had outstanding cases against them, so they took us back to the Smart Village. There they told me I had two cases against me, one in Damanhour and one in another governorate. I said that I'd never even been to those governorates. Someone gave the man some money to redo the ID check, and it turned out that me and two others had no cases against us. It was 2 am and they let us go.

Note: at the camp, the bathroom was open only twice a day. The soldiers there were fine, but they tried to cut our hair.

Shahir's and Mahmoud's testimony

(Interview conducted by: Dalia Abdel Hamid – Yara Shaarawi – Scott Long – Ramy Youssef)

In a 2014 case, four defendants received prison sentences ranging between three and eight years on charges of habitual debauchery. They were all acquitted on appeal. EIPR researchers met with two of the defendants in a coastal city. They explained that four of them had rented a furnished apartment in Nasr City in Cairo. At around 2 pm, an investigating officer with three informants knocked on the door. The officer said that he wanted to search the apartment for hashish and weapons and to check for the presence of any women in the apartment. Shahir then asked how they could search the apartment without a warrant, and one of the informants began insulting the young men, and told him, "Shut up, do the likes of you even know what a warrant is?"

The informants searched the apartment and said to the officer, "They all look like faggots." They confiscated women's clothing they found in the apartment as well as some cosmetics.

In Shahir's words, "They took us to the Nasr City police station where they confiscated our mobile phones. I kept mine hidden. I sent a text to my brother and deleted the photos on my phone. As soon as we arrived, they started to beat us. They hit our faces and they electrocuted our private parts. An informant said to me, 'Take off this wig.' I told him that this was my hair. He said to the officer, 'Look at his belly button piercing. Look at the shape of his breasts!' They then took us to a cell and then let us out one by one to see the officer. When it was my turn, the officer showed me photos of people he had found on Mahmoud's cellphone – one of the people arrested with us. Pointing to one of them he said, 'Who is this woman?' I answered that I didn't know. He started saying things like, 'Ok then, Shosho⁷⁶! Your girlfriend told us everything.' Then he started asking me seriously, if I get 'fucked.' I said I didn't. He asked me if I take money in return. I said I didn't. He asked me how many people like us do we know. I said that we just knew ourselves. He asked if we go out on the street 'as boys or girls.' I said, 'If we go as boys, they harass us a lot on the street.'"

⁷⁶- A term of endearment or nickname/diminutive usually reserved for women (Translator's note)

Shahir related that after this an officer of a higher rank came in and they were all presented to him. "He asked the informants if we were whores, and they said, 'No, they're faggots.'" The officer and informants started to beat them viciously. Shahir said, "It's a 'welcome.'" They were video recording them and they started to write the report.

"I told the officer writing the report, 'We only rented the apartment a few hours ago. They came in and thought we looked provocative because we have long hair. But we weren't doing anything.' The officer said, 'We caught you practising deviant sexual acts.' I answered saying, 'How come? We left the apartment in our clothes.' The officer answered me, 'You are lying sons of bitches.' He wrote a report that wasn't shown to us. They put us outside in custody, behind bars, and told us that we would go before prosecution the following day. We were subjected to a lot of physical harassment, and the officers and informants kept groping us. One of them was threatening us, saying, 'If you don't let me sleep with you, I'll take you into detention and there people will fuck you.'"

Shahir described that, "Everyone at the station was surprised when our relatives came to visit. They assumed that we had all run away from our families who now know nothing about us."

Mahmoud continues: "We were presented before the prosecution on the 2nd of April and they ordered re-investigation and our detention for 4 more days, pending investigations. We were presented before the prosecution more than once and then referred to the Forensic Medicine Authority.

We were four people, we headed to the Forensic Medicine Authority, and examined by a doctor two at a time. As soon as I entered the room, the doctor said, 'What is that I'm hearing about you? I heard that they caught you fucking each other.' I told him that we had just rented the apartment on the day they arrested us, and he said: 'We will see, go in, get undressed, get on your knees and hold the chair. He asked me to do this, so that my anus would be visible while he assess my case.'"

In our first court session, the judge handed down sentences ranging from three to eight years. We then went back to the police station and they told us that they would transfer us to prison. During the transfer, they were intimidating us with talks of what's going to happen to us there, telling us that we would be raped. When we got to Wadi al-Natrun prison, we were treated well. They placed us alone in a cell where we were apart from the other prisoners. Later, they told us that they would transfer us to the Appeal prison in Bab al-Khalk. This was a horrendous experience. As soon as we got to Bab al-Khalk, we found an informant threatening us. He said, 'Who will I sleep with first?' They then transferred us to Gamasa prison, which is high security prison, on September 14. They received us with beatings while people watched."

Rabi's testimony

(Interview conducted by: Dalia Abdel Hamid – 3 August 2016)

Rabi said that they were celebrating the marriage of one of their friends and decided to go Bab al-Bahr Bathhouse in Ramsis. After they arrived, changed and went into the pool room, 20 minutes later a police force of about 15 people raided the bathhouse accompanied by a TV presenter and a filming crew.

Rabi continued: "The police force beat and insulted us. We were wearing nothing but towels, and Mona al-Iraqi was standing there filming us very proudly, instructing others to film us as well and telling us "You are sexual deviants". Then they took us to Abdeen police station where they refused to let us get dressed. There, an informant would say so-and-so practices the act with so-and-so, and so-and-so practices the act with this person, and Ahmed Hashad was writing down what he said. Then they started to film us again. They beat us and insulted us again. They let four people go, one of them was not Egyptian and 26 (21 plus 5, the owners and staff of the Bathhouse) of us remained. They made us sweep the whole police station and at 6am they gave us clothes, instructing us to wear them inside-out."

The next day they were referred to the prosecution and according to Rabi's testimony, the prosecutor insulted and cursed them, adding: "He asked us what happened in the bathhouse. We said nothing", the prosecutor renewed their detention for four days pending investigations and they were transferred to Azbakiya police station. Rabi described the days they spent there before being referred again to the prosecution as a nightmare.

He said: "They took us after that to Azbakiya police station where we were beaten and insulted. They put belts around our necks and made us bark like dogs. No one knew anything about where we were because they took our phones. They were insulting us day and night, telling us we were faggots not men. They told us that we would be in jail for 10 years. They would wake us up at 6 am, make us take off our clothes in the cold, turn on the air conditioning and beat us.

Four days later, we went to the prosecution. The prosecutor was very sympathetic and treated us well, but the media got in and filmed us without our knowledge. There were rights lawyers attending with us, and later our families got us other lawyers. The prosecution renewed our detention for another four days and requested that we be inspected by the Forensic Medicine Authority.

They took us walking from Azbakiya to the Forensic Medicine Authority in Ramses. We were handcuffed to each other in sevens and were barefoot. Whenever anyone asked them who are these and what did they do, they answered, "These are the sexual deviants of Bab al-Bahr bathhouse." They brought us back the same way, and refused to let us wear slippers even though it was a long distance.

When we went back to the police station, there was a second round of beatings and insults. Our families came to visit us that day and they were treated very

badly. The police insulted them as well and told them that their sons were sexual deviants. Seven days after the Forensic Authority [examination], an officer came and told us, you were all used, and it would be better if anyone is doing anything to come forward and tell us and we would let them go. They let thugs into our rooms to beat us and the officers would tell us that we would never be let out. One of the people with us was an old man, who looked like he was in his seventies. An officer tied him up every day and ordered him to bark. They would make us stand for hours with our hands raised against the wall. Every morning they took LE15 from us to get cleaning products for the station. We saw a judge, then they wanted to transfer us to prison. We went to be checked for criminal records and were then taken to Tora Prison. The prison refused to take us, but when we went back to the police station, the treatment was better. They stopped beating and insulting us and they would give us tea and cigarettes when we asked. We went to our second court session, which was adjourned and in the next session, Mona al-Iraqi and Ahmed Hashad refused to come. Then the judge acquitted us and suddenly I found myself talking to television presenters and journalists normally, after being afraid.

Roberto's testimony

(Interview conducted by: Dalia Abdel Hamid – 31 July 2016)

Roberto, an Italian citizen in his forties, told EIPR via Skype that he had lived in Egypt for five and a half years and that he had a resident visa that he would renew annually. One evening, during the month of Ramadan in 2015, a little after the evening prayer, between 6 and 7 pm, Roberto was on his way home in Cairo. As he was looking for a taxi in Mesaha Square in Dokki, he was approached.

Two people in civilian clothes approached me and asked to see my passport. Of course I then asked them who they were and why they wanted to see it. They told me they were National Security and they want to check my passport for security reasons. I asked to see their identity cards to prove that they are police. But they didn't show me anything. They continued to insist on seeing my passport. I told them that I didn't have my passport on me because it was at the embassy and that I only had my Italian ID card. But still they insisted on seeing the passport, and said I had to go with them. All of this was without me seeing any proof of identity that actually shows that these people work for the police. I expressed surprise at their requests and told them I could drop by the police station the next day with my passport. They started to get hostile. Whenever I tried to explain that I wouldn't go with them, their hostility increased then I noticed that other people, also dressed in civilian clothes, were approaching me from behind. They grabbed me by the shoulders and bundled me into a microbus.

I was screaming because I thought I was being kidnapped. There were not a lot of people out on the street because it was the time to break the fast. They took

my backpack that had my phone in it. I asked them to give me my phone so I could call the embassy and they told me I would be able to call later. I asked them where we were going but got no answer. That's when I really started to panic. I opened the window and started to scream hoping that someone would help me but they stopped me and handcuffed me. There were four of them and I wasn't able to resist. I was in shock and didn't know what to do. This was the first time I had ever been in a situation like this. A few minutes later, we got to the Mogamma. I asked them what we were doing there at this time of the evening when it was closed. They didn't answer me, of course. As we walked in, I tried to call for help from anyone passing by but they pushed me quickly in the direction of the elevator. We went up to one of the top floors and they took me into an office.

There were people talking and writing what seemed like a report. When they were done, they asked me to sign. I told them that I wouldn't sign anything and I asked again to make a call to the embassy. They searched my bag, my papers and showed me two mobile phones. One was mine and the other I knew nothing about, which I told them. At the time, I didn't understand what was going on and it was only later that I figured out what they were trying to do. After this, they took me to the microbus again and we headed to Dokki police station. They gave my backpack to one of the police officers there. They told me I would be spending the night there. Of course I refused and I again requested to call the embassy. I told them I would not spend the night at the station, so they led me forcibly into the detention room. It was a very small room without any windows or ventilation, around 5 meters by 5 meters, and lit by only one light bulb.

I was feeling completely desperate. The other detainees tried to calm me down but none of them could speak English. When they realized I was a foreigner, they called for another detainee who they said was half-Egyptian half-European. It turned out he was also Italian. He came and talked with me and was able to calm me down. It was comforting to talk to someone in my mother tongue in this situation. He explained to me the rules of detention, including that new detainees are not to use mobile phones smuggled in by others. He agreed to call his own family and ask them to call the embassy and tell them that I am detained at the Dokki police station. There are people I know personally at the embassy.

The next day, this person's father went to the embassy. And on the same day, the consul and an embassy lawyer came to the police station and tried to get me out as fast as possible, although they were not told what charges I was facing. After several hours, the police told them that I had been arrested because I organized group sex parties for gay people and that they had arrested me in a hotel room. The consul and the lawyer asked them to bring the surveillance tapes from the hotel to prove this. But the officer told them, "No need, it's not necessary." The consul said, "It doesn't matter. Even if you have no need for it, we still need it." The police responded that they had been trailing me for a while and know all about my activities and tried to ask him about people I know, who I spend my time with and the places I have visited in Egypt. I told the consul that I would not

tell them anything. That's when I realized what kind of information they were after. For a few days after that, they continued to ask the same questions. The embassy assigned me three lawyers.

It was the worst in the detention room. It had no ventilation and very little lighting, and I couldn't read or do anything. I heard the cries of people being beaten and tortured, although no one physically harmed me. I knew that these things happen in Egyptian police stations but to hear about something is completely different than witnessing it yourself.

Days later, they took me to another building. I cannot say for sure if this was to see the prosecution or an investigative judge, but they said that the man did not arrive and that the appointment had been postponed. The idea of spending another week in detention was hell for me because time in detention does not pass. We are not allowed visits, and each day I would see the consul and the lawyers for just a few minutes. I started to get to know my fellow detainees. Most of them were very kind people but they are unable to help one another. The following week they took me to the same place and said the same thing. A postponement of another week meant spending two weeks in detention because the following week was Eid.

In those two weeks I talked a lot to people at the embassy and begged them to make sure that I get no more postponements, and I asked to be tried as soon as possible. After the two weeks, I went to the judge with three lawyers. He looked at my documents and said with astonishment, "Why are you here?" I said, "You tell me." Within a few minutes, the judge had written down a few words and said to me, "You are free now." I went back to the police station still in handcuffs. I expected to be released straight-away. When I asked them when I would be allowed to leave, they told me that they still needed to finish some paperwork and it was late. I said that they don't need an entire day to finish the paperwork, but they told me I had to wait until the next day.

Five more days passed as I waited in the same way. The embassy had run out of patience and started to communicate with the Interior and Justice Ministries to get them to speed up my release. The police were telling me that I have to go back to my country but the embassy was not aware of this. There was no clarification why I should go back to Europe. My brother came to visit me, booked me a return ticket and gave it to me. I asked to go home to collect my things. I had been living in that house for years. My life is there. They told me that it was not possible, that there was no time and that I had to go directly to the airport. They also refused to give me back my phone.

A National Security officer came the next day to accompany me to the airport. I said goodbye to my fellow detainees — we had become close by then. Some of my friends had gathered in front of the police station to say goodbye to me before I left. The officer treated me well and gave me a chance to say goodbye to them. At the airport, I had to wait for the plane in a detention room. It was horrible and filthy. Overall, I had spent 27 days at the Dokki police station.

I am telling my story now because my fellow detainees asked me before I left to tell their stories and the circumstances of their detention to those outside those walls. People might say that Giulio Regeni is an individual case, but he's not. Other foreigners have been subjected to many violations at the hands of the Interior Ministry and even more Egyptians are subjected to the same violations."

Firas' testimony

(Interview conducted by: Mohamed al-Kashef)

In June 2015, Firas was headed to Mesaha Square in Dokki to meet a person he had been conversing with online.

Faris siad in an interview conducted by one of EIPR's researchers: "He had asked me to buy condoms and some supplies for the evening. I went there with these things — which were later confiscated as evidence for the case — and I waited. He was late, so I sent him a message saying that he's late and that I have the right to leave, and he replied apologizing and blaming the traffic.

Later, a black car with a driver stopped. I could see a driver as well as a passenger in the backseat. He asked me to sit next to him and said that we would go to his place. The car took a turn around Mesaha Square. It was then that I was surprised by a checkpoint. One of the men at the checkpoint was saying to park there and addressed him in such a way that I understood he was a police officer. I opened the car door to try and escape but seven or eight people chased me. They caught me and beat me up, insulting me with the worst words possible. They tied my left hand and tried to tie my right. I resisted. At that moment I saw a person coming from a police microbus with a baton. I was scared to be hit on my face so I gave in. Then they took me to the microbus as they continued to beat me. They took me to the Mogamma and into the elevator up to the 8th floor.

There, I met an officer of a rank higher than the one who had tricked me. His name was Tamer. He asked me to turn on my phone and enter my password. They took my personal chats with friends and acquaintances and printed them out. I spent the night there. The next day they told me that they would take me straight to the prosecution and as a favour to me they would not take me to the police station. Officer Tamer came to me and gently asked me to tell the prosecution a story in which I confess to being gay and to having been assaulted when I was younger — the incident that supposedly turned me gay — and that I regret what I have done. He convinced me that this was in my best interest, and believing him I agreed.

Upon my return from prosecution, I thought I would be taken back to the Mogamma but I saw that I was being taken to Dokki police station, which really disturbed me. I was so frightened that I started crying. There was a shift officer

at the station with his colleagues reading a print out of my chats. As soon as they saw me, they started to insult me. One of them beat me up as the others continued to laugh until I was led to detention.

There I found that there are two kinds of detention. One is luxurious and air conditioned and is where people with wealth and connections stay. I stayed there the first night. The other one is bad and small has no furniture. The next day they took me to the Forensic Authority and a doctor examined me and wrote a medical report that the officer with me took. He asked me about the truth of the report. I didn't reply because I had no idea what was in the report. He beat me and insulted me. He then took me to the police station and there they transferred me to the second kind of detention with murderers and drug dealers. I found out who the prison warden was and paid him LE100 so that I wouldn't be made to sleep next to the toilet and so he would treat me well. At first, the other detainees treated me better because I paid money but later they just treated me well because I had been in detention with them for some time. Officers came three times a day to check on the detainees and they threw a "beating party" for me and insulted me every two or three days.

After three weeks, there was a verdict against me and a one year sentence. The lawyer appealed and, about six weeks after my arrest, the Court of Appeal acquitted me. I spent two weeks after that at the police station where they denied me visitation rights and denied having me in their custody. I didn't know that then, and I didn't see any of my friends and I was running out of money.

I was taken to National Security (situated on Mehwar road in 6th of October City) about five times in these two weeks. I wasn't beaten or insulted in National Security but I was subjected to psychological terrorism. I kept insisting that I am innocent and not guilty. I knew none of the people they asked me about. I held onto my story so I wouldn't harm anyone and denied the story that officer Tamer mentioned in the interrogation report. Every time I went to National Security I bought some things (food, cigarettes, juice) for the person taking me back and forth. I paid the price of transportation in full. These visits were also intercepted with other visits to the department of passports and immigration in the Mogamma. They took me there around four times. On the last visit, I learned that there was a decision from National Security to deport me. The policeman who was with me was kind and allowed me to call a friend to bring me money and some personal items because I had run out of money.

At the department of passports and immigration, they told me that I had two options: Either wait in Qanater Prison until the International Organization for Migration or UNHCR get me a ticket to the country that I want to travel to, or arrange for the price of a ticket myself with the help of my family and friends. I chose the second option so that I wouldn't be detained for a longer period, then they forced me to sign a paper stating that I forgo my refugee status in Egypt and that I am leaving for another country of my own free will due to personal circumstances.

My friends booked me a ticket on that last day I was at the department of passports and immigration. The date of departure was two days later. The next day, I was taken to the airport detention where I spent one night.

On the day of my flight, an officer told me that there is someone who wants to talk to me on an airport officer's telephone. I went to the officer's office and found that it was a call from a UNCHR employee telling me that my case was a priority and that I would be resettled in a European country in two or three weeks, a month at the most. She said that they were working on it and had sent my file to a number of embassies. I refused to listen to her advice to stay in Egypt and decided to travel. I asked her to transfer my file to the country where I was heading so it would facilitate the completion of the paperwork there. However, she declined and didn't help me transfer my file from Egypt.

Sameh's testimony

(Interview conducted by: Ahmed Mahrous and Dalia Abdel Hamid - August 2016)

In July 2016, Sameh agreed to meet a person in Tahrir Square. When he arrived he was surprised to be arrested by the police. In an interview with EIPR researchers in August 2016 in Cairo, Sameh said that he was arrested in Tahrir square and he was taken to the morality police unit in the Mogamma..

He said, "They were beating me all the way from the square to the Mogamma. They took me up to the 10th floor and the officer there insisted that I confess that something happened to me when I was younger — a sexual assault — that made me regularly practice debauchery. I rejected all these statements."

Sameh continues his story saying that they placed him in another room full of police personnel and they handcuffed him to one of the drawers. Sameh says, "I asked the policemen when all of this will be over. They said, 'Don't worry, you'll go home.' I then begged to meet the officer so they insulted me and said, 'What do you want? You are a faggot who gets fucked' etc. I told them, 'You have no evidence against me and you can even examine me medically.'"

"They took me to an officer of a higher rank than the one I had met on the floor below who said to me, 'We are doctors and we are going to treat you,' while pointing at certificates on the wall that said he had experience in curing homosexuality. He was talking in a very condescending way. There was a man with him who kept yelling at me to confess. I continued to insist on what I had already said."

Sameh was then taken for a criminal record check at Qasr al-Nil police station where he was subjected to insults and was verbally harassed by police personnel. They placed him in a small detention room, around 20 meters square, along

with 40 other detainees. The place was filthy and full of insects. The toilet was unbearable. Sameh said that most of those who were in detention with him were there for cases of rape, violent theft or the like. He called his brother using a mobile phone that had been smuggled in. When his brother came and paid money to the police, he was moved to a better detention room. Sameh adds, "If my brother was late in coming and paying them, I would have gotten beaten again and verbally harassed."

Sameh was referred to the prosecution, he says that the opportunity allowed for him to give his testimony, was very limited. He denied all accusation during the prosecution interrogation. In the end, the prosecutor told him, "I am not convinced with what you said, don't do this again". The interrogation lasted for a half an hour, while Sameh was kept standing and handcuffed.

On the day of the trial, a police personnel tightened the handcuffs too much, so Sameh requested that he eases the handcuffs a bit. The police personnel bashed him and insulted him. There were six other suspects also accused of debauchery and they were all acquitted. He only got to know later, after he was returned to the police station because he was not allowed to attend the court session and remained held in detention.

Ill-treatment is not limited to the morality police or the police station staff. Sameh related that even after he was acquitted, he was taken to the criminal register. Sameh said, "I went with five others who were also acquitted in debauchery cases. The employee registering criminal records was very rude and disrespectful to us. He insulted us and made fun of us. He left us waiting in a small corner for around three and half hours where we were not allowed to sit, eat or drink before he finally took down our information."

Appendix II

This appendix contains translation of Law No.10/1961 pertaining to Combating of Prostitution. The translation is an edited, redacted version of the unofficial translation provided by the UNCHR⁷⁷ and editors at EIPR.

Law No. 101961/, on the Combating of Prostitution in The United Arab Republic⁷⁸

Article (1):

(a) Whoever incites a person, be they male or female, to engage in debauchery or in prostitution, or assists in this or facilitates it, and similarly whoever employs a person or tempts him or induces him with the intention of engaging in debauchery or prostitution, is to be sentenced to imprisonment for a period not less than one year and not more than three years and a fine between 100 and 300 LE in the Egyptian administration and between 1000 and 3000 Lira in the Syrian administration.

(b) If the person upon whom the crime is perpetrated has not reached the age of twenty-one years, the punishment is imprisonment for a period not less than one year and not more than five years and a fine between 100 and 500 LE in the Egyptian administration and between 1000 and 5000 Lira in the Syrian administration.

Article (2):

The punishment set down in paragraph (b) of the previous article applies to:

(a) Whoever employs, persuades or induces a person, be they male or female, with the intention of committing debauchery or prostitution and this is by means of deception, force, threats, abuse of authority or other means of coercion.

(b) Whoever detains by such means a person, male or female, against his will in a place for debauchery or prostitution.

77- Egypt: Law No. 10/1961, on the Combating of Prostitution [], 1961, available at: <http://www.refworld.org/docid/5492d8784.html> [accessed 16 November 2017]

78- This law was promulgated during the union of Egypt and Syria, under one republic, the United Arab Republic (1958-1961), hence the many references to Syria throughout the articles of the law (Translator's note)

Article (3):

Whoever incites a male under twenty-one (Gregorian) years of age or a female irrespective of age to leave the United Arab Republic, facilitates this for them, employs them or accompanies them abroad for the purpose of working in debauchery or prostitution and whomsoever knowingly assists in this is to be sentenced to prison for a period not less than one year and not exceeding five years and a fine between 100 LE and 500 LE in the Egyptian administration and between 1000 and 5000 Lira in the Syrian administration.

The maximum term of imprisonment is seven years if the crime is perpetrated against two or more persons or if it is committed by one of the means indicated in the first paragraph of article 2 besides the decreed fine.

Article (4):

In the cases stipulated in the three prior articles, a prison term of three to seven years will be meted out if the crime is perpetrated against an individual no more than 16 years of age or if the perpetrator is related to the victim, or one who is responsible for his upbringing or under his watch, or one who has authority over the victim or one who is a salaried servant for the victim or those mentioned above.

Article (5):

Whoever brings in a person into the United Arab Republic or facilitates their entry to commit prostitution or debauchery shall be sentenced to prison for a period not less than one year and not exceeding five years and a fine between 100 LE and 500 LE in the Egyptian administration and between 1000 and 5000 Lira in the Syrian administration.

Article (6):

The following are sentenced to prison for a period not less than six months and not exceeding three years:

- (a) Whoever assists a female to carry on prostitution, even if only by way of monetary expenditure.
- (b) Whoever exploits in any fashion the prostitution or debauchery of a person. The punishment shall be a year to five years if the crime is associated with any of the parties emphasized in article 4.

Article (7):

Whoever intended to commit any of the crimes mentioned in the previous articles shall be punished with the decreed punishment as if the crime was fully committed.

Article (8):

Whoever opens or manages premises for the purpose of debauchery or prostitution or cooperates in any way whatsoever in their management, is to be punished by imprisonment for a period not

less than one year and not exceeding three years and a fine not less than 100 LE and not exceeding 300 LE in the Egyptian administration and not less than 1000 Lira and not exceeding 3000 Lira in the Syrian administration. Closure of the premises and confiscation of goods and furnishings found therein is directed. If the one committing the crime is related to the one carrying on debauchery or prostitution, is charged with his upbringing or has authority over him, the prison sentence is for not less than two years and not exceeding four years besides the decreed fine.

Article (9):

Punishment by imprisonment for a period not less than three months and not exceeding three years and a fine not less than 25 LE and not exceeding 300 LE in the Egyptian administration and not less than 250 Lira and not exceeding 3000 Lira in the Syrian administration or one of these two punishments applies in the following cases:

- (a) Whoever lets or offers in whatever fashion a residence or place run for the purpose of debauchery or prostitution, or for the purpose of housing one or more persons, if they are to his knowledge practising debauchery or prostitution.
- (b) Whoever owns or manages a furnished residence or furnished rooms or premises open to the public and who facilitates the practice of debauchery or prostitution, either by admitting persons so engaged or by allowing on his premises incitement to debauchery or prostitution.
- (c) Whoever habitually engages in debauchery or prostitution.

Upon the apprehension of a person in the last category, it is permitted to send him for a medical examination. If it is discovered that he is carrying an infectious venereal disease, it is permitted to detain him in a therapeutic institute until his cure is completed.

It is permitted to determine that the convicted person be placed, upon completion of his sentence, in a special reformatory until the administrative agency orders his release. This judgement is obligatory in cases of recidivism, and the period spent in the reformatory is not allowed to be more than three years.

In the cases decreed in sections (a) and (b) the premise shall be closed for a period not more than three months and the closure will be enforced with no consideration to the objection of the other, even if he was in possession of a valid contract with a verified date.

Article (10):

A place shall be considered a premise for prostitution or debauchery according to article (8) and (9), every place that was habitually used to practice prostitution for the benefit of the other or his own benefit, even if only one person was practising prostitution or debauchery.

Article (11):

Anyone who profits from or manages public premises or a public nightclub or other premises open to the public and employs persons who are engaged in debauchery or prostitution with the intention of

facilitating this for them or with the intention of taking advantage of them to promote his premises is to be punished with a prison term not exceeding two years and a fine not exceeding 200 LE in the Egyptian administration and 2000 Lira in the Syrian administration.

The punishment is imprisonment for a term not less than two years and not exceeding four years and a fine from 200 LE to 400 LE in the Egyptian administration and 2000 Lira to 4000 Lira in the Syrian administration if the perpetrator falls into the category of persons mentioned in the last paragraph of article 8.

The closure of the premises for a period not exceeding three months or permanently in the case of a repeat offence is imposed.

The Public Prosecution, as soon as it apprehends the incident, as decreed in the cases mentioned in articles (8), (9) and (11) is authorized to issue a warrant to close the premise, residence used for prostitution or debauchery.

The confiscated items and furniture in such premises, outlined in article (8), (9) and (11) are considered in the category of administratively confiscated items as soon as they are apprehended until the case is terminally decided then they are delivered after being audited and recorded in a report to a guard with no salary from the below mentioned:

The person who opened the premise, or managed it, or assisted in managing it, or its owner or its landlord or one of its residents or one who works in the premise and their objection shall not be considered. If none of those could be identified, then the guardianship will be assigned in exchange for payment to whoever the police deem as fit until the time when one of those mentioned attends and receives it.

The guard of the confiscated items shall be tasked with guarding the stamps on the closed premise and if there are no confiscated items, guarding the stamps shall be assigned to whoever is mentioned in the previous paragraph and in the same fashion. In all former cases, the court shall decide in the general case, quickly, in a period not more than three weeks, and in case of an acquittal, the closure decree shall be annulled.

Article (13):

Any person who habitually works or resides in premises used for debauchery or prostitution and is aware of this is to be punished by imprisonment for a period not exceeding one year.

Article (14):

Whoever publicizes by any form of publicity an invitation which includes inducement to debauchery or prostitution, or draws attention to this, is to be punished by imprisonment for a period not exceeding three years and a fine not exceeding 100 LE in the Egyptian administration and 1000 Lira in the Syrian administration, or one of the two punishments.

Article (15):

As a consequence of a judgement of guilty in one of the crimes stipulated in this law, the convicted

person may be placed under observation by the police for a period equivalent to the length of the sentence. This is without infringement of the special laws regarding homelessness.

Article (16):

The punishments stipulated in this law shall not interfere in implementing harsher penalties stipulated in other laws.

Article (17):

The law concerning prostitution promulgated in 24/6/1933 and its amendments and law no.68 for the year 1951 shall be abrogated and every statute that contravenes the stipulations of this law.

Article (18):

The Minister of Social Affairs in the Syrian administration shall be authorized to place prostitutes who were authorized to work from the date of that law, in a special institution and for a period of time that he deems appropriate to rehabilitate them to a dignified life and train them for a decent living.

Whoever violates this shall be imprisoned with a sentence not exceeding three months.

Article (19):

This decree shall be promulgated in the official newspaper and will go into effect in the Egyptian administration starting the date of publication and in the Syrian administration after six months of promulgation. It was issued by the presidency on 21 Ramadan 1380 (8 March 1961). Gamal Abdel Nasser.