

**For Immediate Release**

## **Egypt: 117 NGOs Slam HIV-Based Arrests and Trials** *Doctors Helping Police Denounced for Breaching Medical Ethics, Human Rights*

(New York/Cairo April 7, 2008) - As five more men face trial in Cairo on April 9 in a widening and dangerous police crackdown on people living with HIV/AIDS, 117 organizations worldwide working in the fields of health and human rights condemned the crackdown and the participation of medical personnel.

In a letter to the Health Ministry and the Egyptian Doctors' Syndicate (<http://hrw.org/english/docs/2008/04/07/egypt18439.htm>), the groups, led by Amnesty International and Human Rights Watch, said that doctors who helped interrogate men jailed on suspicion of being HIV-positive violated their own medical ethics, and their conduct led to a breach of trust in a privileged relationship.

"Doctors must put patients first, not join a witch-hunt driven by prejudice," said Joe Amon, director of the HIV/AIDS program at Human Rights Watch. "Now more than 100 human rights groups are reminding Egyptian doctors of the oath they took to respect patients' privacy, autonomy, and consent. This is one of the oldest traditions of medical responsibility, as well as an obligation under human rights law."

The groups signing the letter span 41 countries on six continents. They include international and national organizations working on issues of health and human rights, and defending the rights of people living with HIV/AIDS. The countries represented are: Albania, Algeria, Argentina, Australia, Belgium, Belize, Brazil, Burundi, Cameroon, Canada, Colombia, Costa Rica, Cote d'Ivoire, France, Grenada, Guyana, India, Iran, Italy, Jamaica, Kenya, Latvia, Lithuania, Mexico, Morocco, Nigeria, the Philippines, Portugal, Russia, the Slovak Republic, South Africa, Spain, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, the United Kingdom, the United States, and Venezuela.

Cairo police have jailed 12 men since October 2007 in a spreading hunt for people suspected of being HIV-positive. The arrests began when one man, stopped on the street during an altercation, told officers he was HIV positive. Police arrested him and the man with him, beat and abused them, and began picking up others whose names or contact information they found through interrogating the first detainees.

All the men were charged with the "habitual practice of debauchery," a term which in Egyptian law includes consensual sexual acts between men.

The Cairo-based Egyptian Initiative for Personal Rights found a document from the Ministry of Health and Population titled "Questionnaire for Patients with HIV/AIDS" in one of the men's case files. It includes "yes" or "no" questions that doctors from the ministry apparently use to interrogate people in the crackdown about whether they had sexual relations "with the other sex" or "with the same sex," or "with one person" or

“with more than one person.” Prosecutors included the men’s answers that they had relations “with the same sex” as evidence of their guilt.

Doctors from the Ministry of Health also subjected all the detainees to forcible HIV tests without their consent. Doctors from Egypt’s Forensic Medical Authority performed forcible and abusive anal examinations on the men to “prove” they had had sex with other men. Several of the men have told lawyers that police and guards beat them in detention. A prosecutor informed one of them that he had tested positive for HIV by saying: “People like you should be burnt alive. You do not deserve to live.”

The prisoners who tested HIV-positive were held in hospitals, chained to their beds, for months. After a domestic and international outcry, the Ministry of Health finally ordered the men unchained on February 25.

“It is unacceptable for doctors to perform forcible HIV tests, or to examine people to ‘prove’ offenses that should never be criminalized,” said Malcolm Smart, director of the Middle East and North Africa program of Amnesty International. “Doctors who engage in or enable human rights abuses are violating their most elemental responsibilities.”

On January 13, 2008, a Cairo court convicted four of the men of “debauchery” charges and sentenced them to a year in prison. On February 2, their sentences were upheld on appeal (<http://hrw.org/english/docs/2008/02/15/egypt18064.htm>). On March 4, 2008, Cairo prosecutors handed down indictments against five more men, who will face charges of “habitual practice of debauchery” at their April 9 trial (<http://hrw.org/english/docs/2008/03/11/egypt18257.htm>). One of them faces an additional charge of facilitating the practice of debauchery for the other men. The charges were dropped for three other men.

Before issuing the latest indictment, the lead prosecutor told a lawyer for the defendants that the men should not be allowed to “roam the streets freely” because the government considered them “a danger to public health.”

Physicians in Egypt take an oath based upon the Geneva Declaration of the World Medical Association. Among other things, it says, “The health of my patients will be my first consideration; ... I will not use my medical knowledge to violate human rights and civil liberties, even under threat.”

The International Dual Loyalty Working Group, an international initiative which addresses the medical ethics of physicians, has established guidelines that state that: “The health professional should not perform medical duties or engage in medical interventions for security purposes.”

In the letter, the 117 groups reminded the Health Ministry that forcible testing for HIV without consent, and discrimination or arbitrary arrests or ill-treatment based on HIV status, violate international human rights protections. Egypt’s law used against

consensual same-sex sexual conduct also violates protections for privacy and against discrimination in the International Covenant on Civil and Political Rights (ICCPR).

**To read the letter from 117 health and human rights organizations to Egypt's Health Ministry and the Egyptian Doctors' Syndicate, please visit:**

<http://hrw.org/english/docs/2008/04/07/egypt18439.htm>

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