

Sender:

Hatem Mostafa El-Gabaly
Minister of Health and Population

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HIV-Arrests

Dear Minister,

Since October 2007 Egyptian police have launched a **series of arrests in Cairo of people they suspect are HIV-positive**. As a result, 12 men have so far been subjected to criminal prosecution. In two separate trials in January and April 2008, nine of the men received prison sentences of one to three years following conviction on charges of "habitual debauchery", the basis of which was an assumption about their sexual orientation on the basis of their HIV status. The sentences were upheld on appeal. All the men have denied the charges against them. Five of them are HIV-positive and were held in hospital chained to their beds for weeks or even months. Allegations of torture and ill-treatment involving police and medical professionals during the pre-trial detention of the 12 men have not been investigated. Most of the men were subjected to forced anal examinations and HIV testing without their consent. Some were beaten. The nine convicted men are now serving their sentences in prison; three others have been released without charge.

Some medical personnel have participated in the crackdown by police on people living with HIV, in violation of medical ethics. Doctors who helped interrogate the 12 men jailed on suspicion of being HIV-positive violated the oath they took to respect patients' privacy, autonomy, and consent – one of the oldest traditions of medical responsibility, as well as an obligation under human rights law.

The nine men currently serving their prison sentences have to be considered prisoners of conscience who should be released immediately and unconditionally. I am therefore urging you to:

- End the medically valueless practice of conducting forensic anal examinations to test for same-sex sexual conduct.
- Ensure that personnel affiliated with the Ministry of Health and Population, or the National AIDS Program, neither commit, authorize, acquiesce torture and other ill-treatment, nor criminal interrogations of detainees; and immediately report any instances of torture and other ill-treatment to the appropriate authorities.
- End the practice of forcible HIV testing of detainees without full, informed consent. Ensure that all persons who test positive for HIV receive appropriate and immediate counselling as well as treatment.
- Call for the repeal of Article 9(c) of Law 10/1961, the enforcement of which will only damage its own prevention efforts by driving populations already suffering stigma for their sexual conduct still further underground and beyond the reach of prevention or treatment.
- End the practice of chaining detainees in need of medical attention to their hospital beds.
- Remind medical professionals of their duty to respect and safeguard patient confidentiality.
- Ensure that all detainees receive the highest available standard of medical treatment for any health conditions.
- Provide training to all criminal-justice officials on medical facts and international human rights standards in relation to HIV.

Yours sincerely

Date : _____, place : _____ : Signature _____

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