



Legal Aid Annual Report 2020



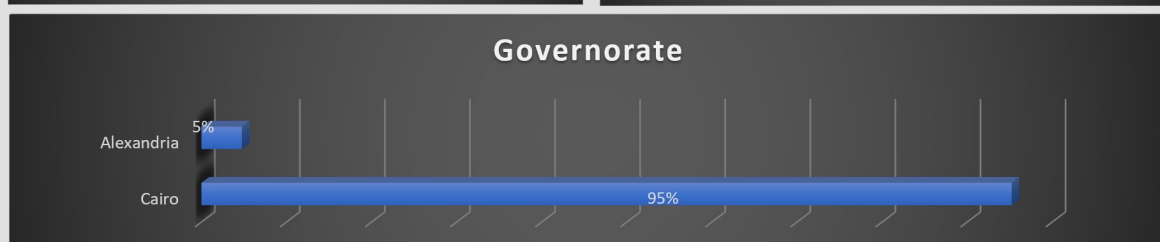
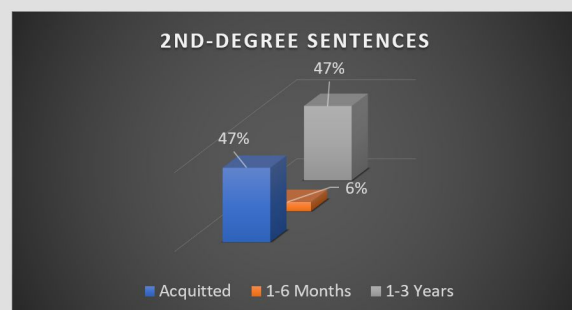
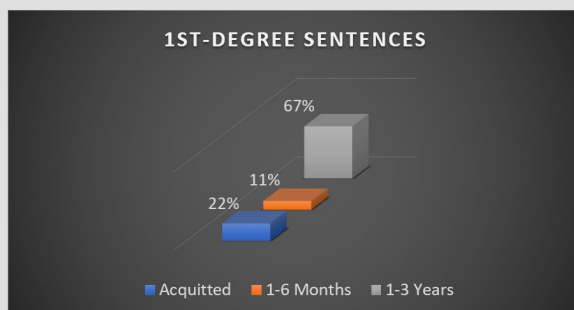
This annual report provides an overview of the legal provisions and interventions managed by the [Legal Aid Programme](#) of [Bedayaa Organization](#) in 2020, which provided to the LGBTIQ+ community members in Egypt .The Legal Aid Programme provides legal aid interventions that include legal representation in detention places and courts, as well as legal consultation for LGBTIQ+ persons in Egypt . Strategically, the programme uses the cumulative data to advance evidence-based knowledge on the blatant infringement on the grounds of sexual orientation and gender identity .

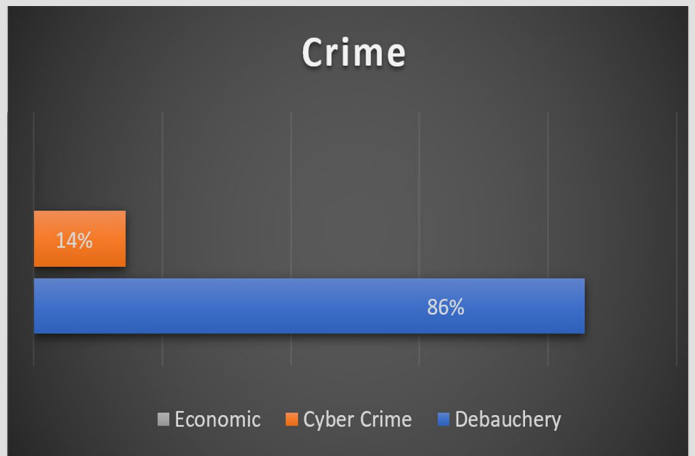
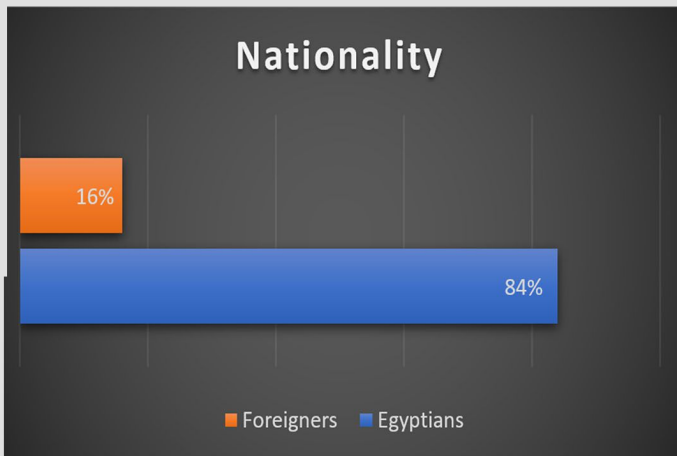
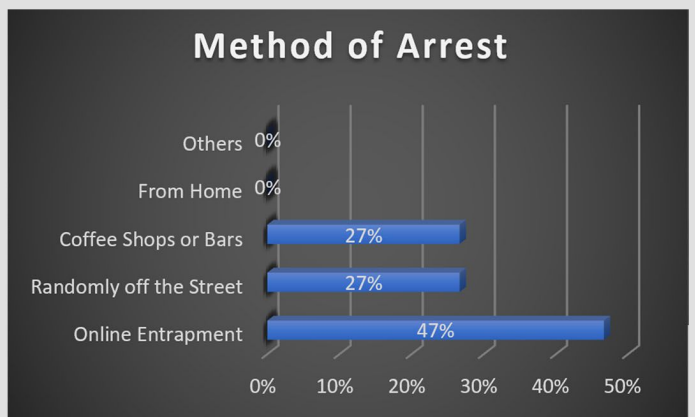
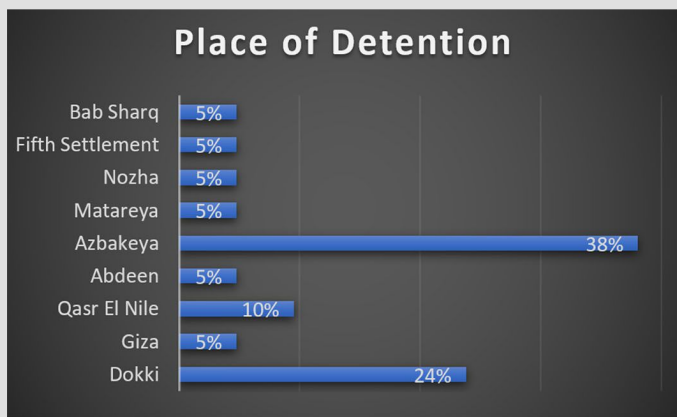
The report summarizes the narrative and statistical data from January to December 2020 and abstracts the capacity development and other ongoing domestic attempts to litigate the laws that used to criminalize LGBTIQ+ persons in Egypt.This report offers comprehensive insights on the status quo and the most significant highlights that intersect with the criminalization of the LGBTIQ+ members in Egypt amid the COVID-19 implications . By and large, a list of articles are being used to criminalize individuals based on their sexual orientation and gender identity, please see the thorough [legal background](#).

Significant Numbers

- 2 cases got acquitted in the first-degree court (In the first trial session without appeal).
- 7 cases got sentences / appealed : 1 case got (1 - 6 months) and 6 cases got (1-3 years).
- 17 cases out of the above 7 already acquitted after appeal while 1 is still awaiting.

2020	
Number of Cases	21
Number of Arrested Persons	25
Adjudicated Cases	20
Cases Awaiting	1
Forced Anal Examinations	6





General Insights

I. Cybercrime Law and Economic Courts

Early on in 2020, and In light of the COVID-19 pandemic, the Egyptian General Prosecutor announced that the [Cybercrime Law](#) (no. 175 for the year 2018) will be intensively employed starting March 2020. Prosecutors also started to use another new charge in SOGIESC-based prosecutions which is “the misuse of communication devices” that is present in the Telecommunication Regulation Law (no. 10 for the year 2010).

- Due to these vague charges that are used in the Cybercrime Law such as “violating family values and principles in the Egyptian society”, there is an uncertainty status with regards to the extent to which the application of that law will affect SOGIESC-based prosecutions.
- That could practically be used to prosecute persons who commit any online behaviour that the State deems as a violation of “Egyptian family values” such as the famous case of the [TikTok girls](#).
- As a result of these developments, cases started to get redirected to economic courts—the courts with exclusive jurisdiction over cases that are based on these charges .
- This presented a dramatic shift from the traditional use of the debauchery article in prosecutions of LGBTQ+ individuals in criminal courts.
- The early signs of the employment of these new charges in SOGIESC-based prosecutions are very mixed.
- Two different cases in front of economic courts received acquittals in the first degree however, in an unexpected turn of events, one of these cases received a two-year sentence after the prosecution appealed the first-degree sentence.
- A third case, in which four gay men were arrested from a coffee shop in Alexandria, is currently pending trial in an economic court.
- The Cybercrime Law has significantly higher fines as convicted persons can receive fines as high as 300,000 Egyptian pounds.



- In addition to the high fine, LGBTQ+ individuals who are prosecuted in this new setting can also receive up to a 3-year prison sentence.
- The courts themselves are still trying to adapt to this new and very broad jurisdiction, especially as the executive regulations for the Cybercrime Law have been just released in September 2020.

II. Targeting of Foreigners

Out of the 25 people that were arrested in 2020, a staggering 16% were foreigners. Despite the restrictions imposed by the Egyptian government due to the COVID-19 pandemic which led to a significant decrease in the total number of arrested persons in 2020, four people of different nationalities were arrested during the year. Three out of the four were entrapped by the police which is an alarming indicator which shows that police officials are intentionally targeting foreigners visiting or living in Egypt.

In a year that witnessed a huge drop in tourism revenues due to the global pandemic, the arrest and prosecution of four foreigners for debauchery sends a clear message that the Egyptian government is not backing down in its crackdown on SOGIESC rights even it is going to affect the country's interest in boosting tourism. It also shows the extent to which the government is not being held accountable for its violations of SOGIESC rights, not just with Egyptian nationals but also with foreigners in Egypt.

- In January, a transgender Cypriot tourist was entrapped and arrested from the hotel she was staying in. She later received a 3-year prison sentence in addition to 3-year probation on the charge of incitement and promotion of debauchery. Later in March, her appeal was rejected; the Egyptian authorities did not acknowledge her transgender status and did not assign her to a women's detention facility as her official documents stated that she was male. Instead, she was kept in solitary confinement in a small room inside a police station for over a year with no access to sunlight until she was extradited to Cyprus where she will continue to serve her sentence.

- Later in April, a Chilean man was arrested after being entrapped by the police. He received a fine and was deported. A US citizen was also entrapped and arrested in April. He was acquitted in the first-degree trial in the economic court but then the court's decision was appealed by the prosecution and the second-degree court sentenced him in absentia to two years in prison. In September, a British citizen was arrested and charged with debauchery, but the charges were later dropped.



III. Gangs' Entrapment and Vulnerability to Protection

In late 2020, a double-edged threat to the LGBTQI+ community gained new momentum. Several incidents in which LGBTQI+ persons were targeted and attacked by gangs who used force to film LGBTQI+ individuals in sexual contexts and robbed them of their money and other belongings inside their houses, threatening that they would send the photos and films to the police if they were to report it. LGBTQI+ persons in Egypt were always at risk of being persecuted and prosecuted on the basis of their sexuality, but now with the recurrence of these types of incidents, this risk is doubled as they are forced to surrender to these gangs otherwise, they would have to face the higher risk of going to prison if they were reported to the police. Some of these gangs were even allegedly informally connected to the police, which sheds lights on the state role of protection and the indirect message of the legitimacy of permitting violence. It is worth mentioning that in January 2021 only we noticed at least one incident per week that include more than one survivor of such infringement.