

URGENT ACTION

SIX MEN FREE ON BAIL, BUT IN GRAVE DANGER

Six Tunisian men, who have been tortured and otherwise ill-treated since they were convicted of “sodomy”, were released on bail on 7 January. The men have been threatened, and fear that their lives are in danger.

Six men jailed for “sodomy” were released on bail on 7 January pending the outcome of their appeal. They had been arrested on 2 December at a party in the city of Kairouan and sentenced to three years in prison on 10 December, the maximum provided under Article 230 of the Tunisian Penal Code, which covers “sodomy and lesbianism”. Their appeal is scheduled to be heard on 25 February.

Some of the men have spoken about being beaten at the police station after they were arrested. A lawyer defending them has told Amnesty International that the signs of the beatings the men received were still clear and that one of them had been left with a broken nose.

The men also described how they were forced to undergo an anal examination against their will. Police took them to the hospital, and went with them into the examination room. The men were seen individually by the forensic doctor and, when each of them refused to be examined, were asked to sign a statement of their refusal. However, each of them was beaten by police when he left the room, and forced to go back and undergo the test. Their refusals were torn up, and they were forced to sign an agreement to the test. This amounts to torture when carried out against the will of the detainee.

The lawyer also told Amnesty International that the men have been threatened since they were released, and are too afraid to go outside. The men’s normal lives and their studies have also been disrupted and they are in constant fear of facing new accusations or charges.

Please write immediately in Arabic, French, English or your own language:

- Urging the Tunisian authorities to quash the conviction of the six men convicted of “sodomy”;
- Calling on them to order an immediate, impartial and effective investigation of the men’s allegations of torture and other ill-treatment, and protect them from further reprisals, threats and violence;
- Calling on them to repeal Article 230 of the Penal Code, which criminalizes consensual same-sex sexual relations, and publicly condemn all forms of violence based on gender and real or perceived sexual orientation or gender identity.

PLEASE SEND APPEALS BEFORE 26 FEBRUARY 2016 TO:

Minister of Justice

Omar Mansour
31, boulevard Bab Bnet
1006 Tunis
Tunisia
Fax: +216 71 56 18 04
Email: mju@ministeres.tn
Salutation: Your Excellency

President

Béji Caïd Essebsi
Presidential Palace
Carthage, Tunis
Tunisia
Fax: +216 71 74 47 21
Email: contact@carthage.tn
Salutation: Your Excellency

And copies to:

Speaker of Parliament
President Mohamed Ennaceur
Assembly of the Representatives of the People
Bardo 2000, Tunis
Tunisia
Fax: +216 71 514 608

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 298/15. Further information:

<https://www.amnesty.org/en/documents/mde30/3128/2015/en/>

**AMNESTY
INTERNATIONAL**



URGENT ACTION

SIX MEN FREE ON BAIL, BUT IN GRAVE DANGER

ADDITIONAL INFORMATION

The six men, mostly aged 18 or 19, were arrested on 2 December at a party in the city of Kairouan after neighbours called the police. They were put on trial the next day, forced to undergo an anal examination and on 10 December received the maximum penalty of three years' imprisonment for the charge of "sodomy". They were also banned from the city of Kairouan for five years after release, under Articles 5 and 22 of the Penal Code.

Amnesty International has found that the criminalization of same-sex sexual relations under Article 230 of the Penal Code fosters violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) people in Tunisia. It creates an environment where homophobic and transphobic crimes can be more easily accepted, and where survivors of violence do not report crimes for fear of being prosecuted. Gay men in Tunisia are often arrested without any evidence that they have engaged in same-sex relations. Most are arrested because they conform to stereotypes, such as appearance or behaviour, with gay men who are considered "effeminate" and transgender women targeted the most.

Imprisoning anyone for their real or perceived sexual orientation or gender identity, or for any consensual same-sex relations between adults in private, is a grave violation of human rights. Anyone held solely on that basis is a prisoner of conscience.

Men accused of engaging in same-sex relations are routinely subjected to anal examinations by doctors, usually ordered by a judge in an attempt to find "proof" of anal sex, a method that has been discredited as unscientific. Although in theory the suspect may refuse the examination, activists say that most men are unaware of their rights and feel pressured to agree to the test. They are often intimidated by the police and told that a refusal could be used as evidence against them.

The UN Human Rights Committee (the international expert body which oversees compliance with the International Covenant on Civil and Political Rights), has confirmed that states including Tunisia have an obligation to prohibit discrimination based on sexual orientation and gender identity (Articles 2 and 26) and to respect freedom of expression (Article 19), freedom from arbitrary interference with the right to privacy (Article 17) and freedom of conscience (Article 18).

Names: Six Tunisian men
Gender m/f: m

Further information on UA: 298/15 Index: MDE 30/3216/2016 Issue Date: 15 January 2016