

AI Index: PRE01/459/2012
27 September 2012

Tunisia: Woman allegedly raped by police faces prosecution

The Tunisian authorities must drop indecency charges against a woman who was summoned to court on Wednesday after she had complained that police officers raped her earlier this month, Amnesty International said.

The woman and her fiancé, who prefer to remain anonymous, could be imprisoned for up to six months for “intentional indecent behaviour” stemming from claims – by the very same police officers charged with raping her – that they were found in an “immoral position” in public in the capital Tunis.

The couple deny the charges and their court hearing is due to resume on 2 October.

“At best, charging the victim of a rape by police officers instead of protecting her from intimidation and stigma highlights the deep flaws on Tunisian law and criminal justice system. At worst, it is an insidious attempt to discredit a rape victim and protect those she accused of raping her,” said Hassiba Hadj Sahraoui, Deputy Middle East and North Africa Programme Director at Amnesty International.

“Rape by security forces – often used as a tool of repression – is a form of torture, and must be promptly and fully investigated and, if there is sufficient admissible evidence, prosecuted.”

International and regional human rights bodies have established that rape by public officials always amounts to torture. Under Tunisian law, rape is considered a serious crime that carries a severe punishment. Amendments to the Tunisian Penal Code in 2011 brought the definition of torture closer to that in international law and to include punishments of up to life sentence in prison.

The woman’s lawyers told Amnesty International that three policemen approached her and her fiancé while they were in a car in the capital Tunis on the night of 3 September 2012.

She later filed a complaint accusing two of the police officers of raping her inside the car while the third took her fiancé to a nearby ATM in an attempt to extort money from him.

After being arrested and charged with rape and extortion, the policemen alleged that they had found the couple in an “immoral position” in the car – a claim which was later repeated in a statement by Tunisia’s Ministry of Interior.

“Instead of trying to undermine and humiliate this woman who was targeted with a serious crime, the Tunisian authorities must send a clear message that torture and ill-treatment – including rape and sexual harassment – will no longer be tolerated and that perpetrators will be brought to justice,” said Hassiba Hadj Sahraoui.

“We fear that the treatment afforded to the young woman will deter other victims of sexual abuse from coming forward and as they may fear being treated as the accused rather than the victim.”

Tunisia's new government recently rejected the UN Human Rights Council's recommendation made during its Universal Periodic Review of Tunisia to abolish ongoing discrimination against women in law and practice.

Ambiguous wording in a new draft Constitution refers to women as "partners" with complementary roles in the family rather and contradicts other wording on gender equality.

In the past year and a half, the Tunisian authorities have also levelled "public immorality" and "public disorder" charges against journalists and human rights activists as a means to restrict freedom of expression.