

URGENT ACTION

STUDENT JAILED FOR HOMOSEXUAL ACTS

A Tunisian student has been sentenced to one year in prison for engaging in homosexual relations. He was forced to undergo an anal examination to “prove” that he had had anal sex. He has appealed, and is awaiting the verdict.

A 22-year student known by the pseudonym “**Marwan**” was sentenced to one year in prison on 22 September, by the First Instance Court in Sousse, under Article 230 of the Penal Code, which criminalizes same-sex relations. The judicial police in Hammam-Sousse had summoned Marwan for questioning on 6 September after officers found his number on the phone of a man who had been murdered. During interrogation, Marwan was questioned about his relationship with the murdered man. According to his lawyer, he confessed that he had engaged in homosexual relations with the man. Soon thereafter, police officers slapped him and threatened to undress and rape him, and charge him with murder if he did not confess.

At the Court’s request, Marwan was subjected to anal examination on 11 September, conducted by the forensics department in Farhat Hached Hospital in Sousse, to establish “proof” of anal sex. According to Marwan’s lawyer, he was intimidated by the presence of the police outside the examining room and was not aware that he could object to such an examination, which he found humiliating. Amnesty International believes that there is no scientific basis for such anal examinations and that they constitute a form of torture or other ill-treatment when carried out against the person’s will.

Amnesty International believes that to imprison 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, and must be released immediately and unconditionally.

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

- Urging the Tunisian authorities to quash Marwan’s conviction;
- Calling on them to release Marwan immediately and unconditionally;
- Calling on them to repeal Article 230 of the Penal Code which criminalizes consensual same-sex relations.

PLEASE SEND APPEALS BEFORE 16 NOVEMBER 2015 TO:

Minister of Justice
 Mohamed Salah Ben Aissa
 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: +21671744721
 Email: contact@carthage.tn
Salutation: Your Excellency

And copies to:
Speaker of Parliament
 President Mohamed Naceur
 Assembly of the Representatives of the
 People
 Bardo 2000
 Tunisia
 Tunisia
 Fax: +216 71 514 608
 Email: anc@anc.tn

Also send copies to:

Ambassador Mohamed Ezzine Chelaifa, Embassy Of The Republic Of Tunisia
 1515 Massachusetts Ave. NW, Washington DC 20005
 Fax: 1 202 862 1858 | Phone: 1 202 862 1850 | Email: info@tunconsusa.org

Please let us know if you took action so that we can track our impact! EITHER send a short email to uan@aiusa.org with “UA 216/15” in the subject line, and include in the body of the email the number of letters and/or emails you sent, OR fill out this [short online form](#) to let us know how you took action. Thank you for taking action! Please check with the AIUSA Urgent Action Office if taking action after the appeals date.

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ADDITIONAL INFORMATION

Marwan's case has generated unprecedented civil society mobilization in Tunisia against the criminalization of same-sex sexual relations and forced anal examinations. In a ground-breaking move, Tunisia's Minister of Justice, Mohamed Salah Ben Aissa, acknowledged on 28 September, that Article 230 of the Penal Code violated personal freedoms and choices, including in the realm of sexuality, and the right to private life, which are guaranteed under the new Constitution adopted in January 2014. The Minister also said that Article 230 should be repealed and encouraged civil society to work towards that end.

As well as violating Tunisia's Constitution, the criminalization of consensual sexual relations between adults of the same sex is discriminatory and contrary to Tunisia's international human rights obligations under numerous treaties. The UN Human Rights Committee (the international expert body which interprets and 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).

Amnesty International has found evidence 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.

Name: "Marwan"

Gender m/f: m

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