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## Supreme Court: Retry shopkeepers convicted of sexual assault

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Jaffa flea market. (photo credit:PR)

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The Supreme Court on Monday ordered a retrial for two Jaffa flea market shopkeepers convicted of sexually assaulting a 25-year-old American tourist three years ago.

The three-justice panel of Yoram Danziger, Neal Hendel and Uri Shoham ruled that since only one of the three Tel Aviv District Court judges who convicted the shop owners had heard the tourist's testimony, it had been illegal for them to render a verdict.

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In June 2013, the woman was sexually assaulted at a store in the flea market by Avraham Shamian, 39, and Shimon Rachmani, 44. In April 2015, Shamian, of Ra'anana, was sentenced to four and a half years in prison, while Rachmani, of Holon, was given eight months. Their sentence was frozen pending an appeal.

According to the indictment, the woman came to the flea market on a Monday afternoon – when the area is crowded with shoppers – and entered a store. She chose a ring, the indictment said, and gave Shamian NIS 200. The storekeeper refused to give her change, and suggested she buy more jewelry.

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Next, noted the indictment, the owner brought her into a corner of the store and assaulted her, while threatening her. Shamian then told the tourist he was leaving briefly, and that if she tried to flee it would be “suicide” for her.

Afraid to leave, she remained. Upon his return, Shamian again raped and sexually assaulted her, the indictment stated.

Next, Shamian, a religious father of four, took her against her will to Rachmani’s store nearby. Shamian offered her clothes, which she refused, and he sexually assaulted her a third time, the indictment said.

Shamian’s attorney said the sexual acts had been consensual, and that after the last tryst, the woman kissed Shamian on the cheek and thanked him. The attorney also asked why, if there had been a sexual assault, did she not cry out for help while being taken to the second store, which required walking past six other shops on a street full of shoppers.

Police said the woman lodged a complaint the day after the sexual assault.

She had spoken to local relatives who advised her on how to issue a complaint.

The unusual circumstance in which only one of the three trial judges heard the victim’s testimony occurred because the date of her testimony had been expedited and held before the trial began in order for her to return to the US. She will now need to testify again for the case to move forward.

*Ben Hartman contributed to this report.*

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