

EXTERNAL (for general distribution)

AI Index: MDE 30/24/91
Distr: UA/SC

11 October 1991

Further information on UA 219/91 (MDE 30/20/91, 28 June 1991) - Death Penalty

TUNISIA: Mohammed Fathi Zribi
Mohammed Nighaoui [note corrected name]
Mongi Ra'ash
Mustapha Benhassine
Imed Mghirbi

new names: Ali Daggachi
Abdelkarim Horchani
Lamari Dali

Amnesty International deeply regrets the execution by hanging of five people on 9 October 1991. Three of those executed, Mustapha Benhassine, Mohammed Nighaoui and Mohammed Fathi Zribi, were suspected sympathizers of the illegal Islamic movement *al-Nahda* (Renaissance). They had been accused of murder and arson committed against the headquarters of the ruling party in the Bab Souika district of Tunis in February 1991. The other two, Ali Daggachi and Abdelkarim Horchani, were accused of murder and rape.

In May 1991 the Criminal Court sentenced Mustapha Benhassine to 20 years' imprisonment and Mohammed Nighaoui and Mohammed Fathi Zribi to life imprisonment. However, on 25 June 1991, the Court of Appeal changed their sentences to the death penalty.

Ali Daggachi was sentenced to death for rape and murder by the Criminal Court in Gafsa on 6 November 1989. The sentence was upheld by the Court of Cassation on 5 December 1989. Abdelkarim Horchani was also apparently sentenced to death for rape and murder.

The announcement on 9 October that President Ben Ali had signed the death warrants was made at the same time as that of the executions. The President was said at the same time to have commuted five other death sentences, including the death sentence on Lamari Dali (see UA 519/90, MDE 30/07/90, 30 December 1990, and follow-up, MDE 30/06/90, 28 December 1990). Imed Mghirbi and Mongi Ra'ash, whose 20-year sentences were raised to death sentences *in absentia* by the Court of Appeal, are still believed to be in hiding.

In March 1988 President Ben Ali told Amnesty International delegates that he was personally opposed to the death penalty and would not sign any death warrant. In November 1989 the President announced, in a speech marking his second anniversary as head of state, that he had suspended the death penalty.

However, a man was executed in November 1990 after having been sentenced to death in May for multiple murder and rape.

FURTHER RECOMMENDED ACTION: Telegrams/telexes/express letters/airmail letters, in FRENCH if possible:

- expressing deep regret at the execution of Mustapha Benhassine, Mohammed Nighaoui, Mohammed Fathi Zribi, Ali Daggachi and Abdelkarim Horchani;
- reiterating concerns that three of those executed were originally

sentenced to lower sentences by the Criminal Court;

- expressing regret that the President has rejected appeals for clemency after having stated his personal opposition to the death penalty;
- urging that all remaining death sentences be commuted and that Tunisia take the necessary measures to work towards the abolition of the death penalty.

APPEALS TO:

1. Son Excellence Excellence

Président Zine El Abidine Ben Ali
Président de la République
Palais Présidentiel
Tunis/Carthage, Tunisie

Telegrams: President Ben Ali, Tunis, Tunisia

Telexes: 14900 prpsa tn; 12163 ppsd tn

Faxes: 216 1 74 4721

2. M. Abdallah Kallel Excellence

Ministre de l'Interieur
Ministère de l'Interieur
Avenue Habib Bourguiba
Tunis, Tunisie

Telegrams: Ministre Interieur, Tunis, Tunisia

Telexes: 13662 sdap tn

3. M. Rachid Driss Excellence

President du Comité Supérieur des Droits de l'Homme et des
Libertés Fondamentales
24 Rue Docteur Kalmet
Mutuelleville
Tunis, Tunisie

Telegrams: Ambassador Rachid Driss

24 rue Docteur Kalmet, Mutuelleville, Tunis, Tunisia

Faxes: 216 1 270646

4. M. Abderrahim Zouari Excellence

Ministre de la Justice
Ministère de la Justice
Boulevard Bab Benat
Tunis, Tunisie

Telegrams: Ministre Justice, Tunis, Tunisia

Faxes: 216 1 568 106

5. M. Habib Ben Yahia Excellence

Ministre des Affaires Etrangères
Ministère des Affaires Etrangères
Place du Gouvernement
La Kasbah
Tunis, Tunisie

Telegrams: Ministre Affaires Etrangères, Tunis, Tunisia

Telexes: 14470/1/2 mafta tn

6. M. Sadok Chaabane Excellence

Conseiller particulier à la Présidence

chargé des droits de l'homme
Président de la République
Palais Présidentiel
Carthage
Tunis, Tunisia

Telegrams to: Conseiller Chaabane, Palais, Carthage, Tunisia
Fax: 216 1 742513

COPIES TO:

Ligue Tunisienne pour la Défense des Droits de l'Homme
23 Rue de Yemen
Tunis, Tunisia

Fax: 216 1 795 466

and to diplomatic representatives of Tunisia in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat or your section office if sending appeals after 22 November 1991.