

EXTERNAL (for general distribution)

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Executions / Fear of further executions 30 November 1994

TANZANIA

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Zazi Matayo (f)

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Amnesty International fears that the Tanzanian authorities may have have an extensive program of executions planned for the near future following reports that the seven men and one woman named above were hanged in secret in Dodoma on 24 October 1994. The organization is deeply concerned at unconfirmed reports that other secret executions were carried out on or around the same date at prisons in Tabora and Mwanza.

The executions come at a time when a ruling by the Tanzanian Court of Appeal is awaited as to whether the death penalty violates the Constitution. In June 1994, Justice James L Mwalusanya ruled in the High Court of Tanzania at Dodoma that the death penalty violated the Constitution on the grounds that it constituted cruel, inhuman and degrading punishment. In September, the Attorney-General lodged an appeal against Mr Justice Mwalusanya's ruling in the Tanzanian Court of Appeal.

#### BACKGROUND INFORMATION

It is believed that many of the prisoners named above have been on death row for a long period. For example, Juma Athman and Colonel Dominic Nshimanyi were sentenced to death for murder by the High Court in Tabora in January and March 1989 respectively.

The last executions of which Amnesty International is aware in Tanzania took place in 1991, when three prisoners were executed, although these too were never officially announced. Since then, there have been persistent but unconfirmed reports that executions were continuing to take place secretly. The news of the hanging of the above eight prisoners heightens fears that this may indeed have been the case.

The Penal Code provides for the death penalty for treason and murder; for the latter offence it is mandatory. If convicted and sentenced to death, prisoners have the right of appeal to the Court of Appeal, and to petition the President for clemency if that appeal fails. Pregnant women and anyone under the age of 18 at the time of the commission of the alleged capital offence may not be sentenced to death.

**RECOMMENDED ACTION: Please send telexes/telegrams/faxes/express and airmail letters either in English or in your own language:**

- expressing concern at the secret execution of the eight prisoners (naming them) in Dodoma on 24 October 1994;
- calling for an immediate suspension of all executions;
- explaining that Amnesty International considers that the death penalty is the ultimate form of cruel, inhuman and degrading punishment as prohibited by Article 5 of the Universal Declaration of Human Rights and other international

human rights standards;

- urging the Tanzanian government to commit itself to abolition of the death penalty, irrespective of the final ruling in the Tanzanian Court of Appeal as to the constitutionality of the death penalty;
- calling for the authorities to publish full details of all executions which have been carried out in Tanzania since 1985.

**APPEALS TO:**

1) President Ali Hassan Mwinyi  
Office of the President  
State House  
PO Box 9120  
Dar es Salaam  
Tanzania

**Telegrams: President Mwinyi, Dar es Salaam, Tanzania**

**Telexes: 41192**

**Faxes: +255 51 46913**

**Salutation: Your Excellency**

**COPIES TO:**

The Hon. Ndugu Joseph Rwegasira  
Minister of Foreign Affairs  
Ministry of Foreign Affairs  
PO Box 9000  
Dar es Salaam, Tanzania

The Hon. Ndugu Augustine Mrema  
Minister of Home Affairs  
Ministry of Home Affairs  
PO Box 9223  
Dar es Salaam, Tanzania

Chief Justice  
The Hon. Ndugu Francis Nyalali  
PO Box 9004  
Dar es Salaam, Tanzania

and to diplomatic representatives of Tanzania accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 7 January 1995.