

EXTERNAL (for general distribution)

**AI Index: MDE 30/05/90
Distr: UA/SC**

UA 470/90

Death Penalty

20 November 1990

TUNISIA

Nacer Damergi

Amnesty International deeply regrets the execution by hanging of Nacer Damergi on 17 November 1990. This is the first execution carried out in Tunisia since President Zine El Abidine Ben Ali came to power in November 1987.

Nacer Damergi was convicted of sexual assault and subsequent strangling or stabbing of 12 girls and boys aged between seven and 20. The crimes were committed between 1987 and 1989 around the town of Nabeul, 60 km south of Tunis.

During Damergi's trial, the defence lawyer asked for his client to be examined by a psychiatrist, but this was refused by the presiding judge who sentenced Demergi to death on 24 May 1990. The lawyer repeated the request for his client to undergo a medical and psychiatric examination during the appeal proceedings before the Court of Cassation. The Court of Cassation also rejected the request and upheld the death sentence in its ruling of 19 June 1990.

During an Amnesty International visit to Tunisia in early 1988, President Ben Ali had stated that he was personally opposed to the death penalty and that he would not sign a death warrant. Since coming to power, he also commuted several death sentences into life imprisonment.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment and punishment, as proclaimed in the Universal Declaration of Human Rights.

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

- expressing deep regret at the execution of Nacer Damergi;
- expressing regret that with this execution Tunisia has carried out its first death penalty since President Ben Ali came to power in November 1987 (noting that President Ben Ali had told an Amnesty International delegation in early 1988 that he would not sign any death warrant);
- reiterating that while appreciating the outrage such crimes provoke, Amnesty International unconditionally opposes the death penalty in all cases as cruel, inhuman and degrading punishment,

- urging that all death sentences be commuted and that Tunisia take the necessary measures to work towards total abolition of the death penalty.

APPEALS TO:

Son Excellence
 Président Zine El Abidine Ben Ali
 Président de la République
 Palais Présidentiel
 Carthage
 Tunis, Tunisia

Telegrams to: President Ben Ali, Tunis, Tunisia
 Telexes: 14900 PRPSA TN; 12163 PPSD TN

M. Abdelhamid Escheikh
 Ministre de l'Intérieur
 Ministère de l'Intérieur
 Place du Gouvernement
 Tunis
 Tunisia

M. Chedli Neffati
 Ministre de la Justice
 Ministère de la Justice
 Boulevard Bab Benat
 Tunis
 Tunisia

Telegrams to: Ministre Interieur,
 Tunis, Tunisia
 Telexes: 13662 sdap TN

Telegrams to: Ministre Justice,
 Tunis, Tunisia

COPIES TO: Diplomatic representatives of Tunisia in your country.

Please send also copies of some of your appeals, for information, to:

Ligue Tunisienne pour la défense des droits de l'homme
 1, rue Canada
 Tunis
 Tunisia

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat or your section office if sending appeals after 1 January 1991.