

PUBLIC

AI Index: MDE 28/004/2007

26 January 2007

UA 19/07 Incommunicado detention/fear of torture or ill-treatment

ALGERIA Two Algerian men, known as "Q" and "K"

Two Algerian men, known only as "Q" and "K" for legal reasons, are being held incommunicado in Algeria, days after they were deported from the UK. They are at risk of torture or other ill-treatment in custody.

The UK authorities deported "Q" on 20 January and "K" four days later, on the grounds that they presented a "threat to the national security" of the UK. "K" was arrested on arrival at the airport in the capital, Algiers, by agents from the military intelligence agency known as the Department for Information and Security (the *Département du renseignement et de la sécurité*, DRS). Reports indicate that when "Q" first arrived in Algeria on 20 January he was held by the airport police and was released after a few hours' questioning. However, on 24 January he was also arrested by the DRS. Both men appear to have been taken to a military barracks in central Algiers, part of which is used as a secret detention centre. They have not been allowed access to their lawyers or relatives. Amnesty International fears that "Q" and "K" are at risk of torture and other ill-treatment in the custody of the DRS.

The DRS specialises in interrogating people thought to possess information about terrorist activities. Detainees held by the DRS are routinely held in secret places of detention, allowed no contact with the outside world, and there are persistent reports of torture and other ill-treatment.

"Q" and "K" were among a group of men the UK authorities labelled as "suspected international terrorists". The men had been held either in prison or under effective house arrest for several years on the basis of secret intelligence which was never disclosed to them or their lawyers, and which they have therefore been unable to challenge.

While in custody awaiting deportation, both "Q" and "K" had their applications to be released on bail rejected. Both men had been held in Long Lartin prison in central England since August 2005, awaiting deportation. Both "Q" and "K" had attempted to seek asylum in the UK, but their claims were rejected. Up until August 2005, the UK authorities recognized that neither man could be deported to Algeria because there were substantial grounds for believing that there was a real risk that they would be subjected to torture or ill-treatment if they were removed to Algeria.

"Q" and "K" faced a stark choice: either continue to challenge their deportation to Algeria and face continued detention in high-security prisons far away from their families, friends and communities for years on end, or face an uncertain future fraught with risk by returning to that country. To pursue their appeal against deportation would have meant a legal battle involving the use against them of secret intelligence never disclosed to them or their lawyers and a standard of proof heavily weighted in favour of the government. "Q" and "K" lost all faith in the possibility that they would receive any meaningful justice in the UK. Last year, they withdrew their appeals against the deportation orders because they believed that, in the circumstances, they would never get justice in the UK. They preferred to return to Algeria, despite the risks they would face.

BACKGROUND INFORMATION

Anyone suspected of involvement in terrorist activities, or who is believed to possess information about terrorist activities in Algeria or abroad, faces a real risk of secret detention and torture in Algeria. Amnesty International has received dozens of reports of detainees treated in this way, among them people who had returned to Algeria from overseas, either voluntarily or at the hands of foreign governments.

Under Article 51 of the Algerian Criminal Procedures Code, detainees suspected of “terrorist or subversive acts” may be held without charge for a maximum of 12 days. The arresting authorities must immediately give them the opportunity to communicate with their families and to receive visits from them. In addition, any detention beyond four days has to be authorized in writing by the public prosecutor.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic, French, English or your own language:

- expressing concern that the men known as “Q” and “K”, deported by the UK government on 20 and 24 January respectively, are detained in a secret location and that their families are not able to communicate with them, in violation of Article 51 of the Algerian Penal Procedures Code;
- urging the authorities to ensure that they are treated humanely in custody, and protected from torture and other ill-treatment;
- calling on the authorities to tell their families where they are detained and why, and to ensure that “Q” and “K” can communicate with their families immediately and are given any medical attention they may require;
- calling on the authorities to release them unless they are promptly charged with a recognizably criminal offence and tried within a reasonable time.

APPEALS TO:

President

His Excellency Abdelaziz Bouteflika

Président de la République, Présidence de la République, El Mouradia, Alger, Algeria

Fax: +213 21 609618/ 691595

E-mail: president@el-mouradia.dz

Salutation: Your Excellency/Excellence

Justice Minister

His Excellency Tayeb Belaiz

Ministre de la Justice, Ministère de la Justice

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E-mail: belaiztayeb@mjustice.dz

Salutation: Your Excellency/Excellence

Foreign Minister

His Excellency Mohamed Bedjaoui

Ministre des Affaires Etrangères, Ministère des Affaires Etrangères

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Salutation: Your Excellency/Excellence

COPIES TO:

UK Foreign Minister

The Rt Hon Margaret Beckett MP

Secretary of State

Foreign and Commonwealth Office

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Official Algerian human rights body, reporting to president

Commission nationale consultative de promotion et de protection des droits de l’Homme

M. Mustapha Farouk Ksentinin (Président)

Palais du Peuple, Avenue Franklin Roosevelt, Alger, Algeria

Fax: + 213 21 239037/ 239005

and to diplomatic representatives of Algeria accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 9 March 2007.