

AMNESTY INTERNATIONAL

Public Statement

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Bosnia-Herzegovina: Human rights chambers decision in the Algerians case must be implemented by Bosnia

Today, the Human Rights Chamber of Bosnia and Herzegovina concluded that the treatment of four Algerian men, who were forcibly transferred to the custody of the United States (US) in January this year, violated several of their rights guaranteed under the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its Protocols, including the right to liberty and security of person and the right not to be arbitrarily expelled in the absence of a fair procedure. The Chamber also ruled that the failure of the authorities to seek assurances that the men would not be sentenced to death before handing them over to United States (US) forces, additionally violated Article 1 of Protocol 6 to the ECHR (concerning the abolition of the death penalty). The Chamber ordered both the State and Federation authorities to remedy these violations.

These measures include the requirement to pay the men compensation and to use diplomatic channels in order to protect the basic rights of the applicants, taking all possible steps to establish contacts with the applicants and to provide them with consular support. The authorities were further instructed to take steps in order to prevent the four men from being sentenced to death, and to ensure that the applicants rights are protected by retaining lawyers while they remain in custody and in case they will stand trial in the US.

The ruling by the Chamber in this case represents an important step in ensuring the future protection of all people in Bosnia and Herzegovina, Amnesty International said. In accordance with respect for the rule of law, Amnesty International now calls upon the Bosnian State and Federation authorities to implement the orders issued by the Chamber as a matter of urgency. The organization will be monitoring steps taken by the authorities to comply with the Chambers decision.

Amnesty International has repeatedly expressed concern about a range of violations of domestic law and international human rights law, which were committed in connection with the forcible transfer of the total group of six Algerian men on 18 January to the custody of the US authorities. Prior to the mens transfer, the organization had urged the Bosnian Federation authorities not to hand the men over to either the US or Algeria, until proper extradition proceedings had been conducted in a court of law and explicit assurances had been obtained from any requesting states that the men would not sentenced to death and be protected from torture or ill-treatment, and that they would be treated in accordance with internationally recognized standards of fair trial.

In addition, the organization has raised concern that the forcible transfer of the men breached the Bosnian Constitution, as well as other provisions of the Dayton Peace Agreement as it wilfully ignored a binding interim decision of the Chamber which stated that the four Algerians, who had applied to the Chamber, should not be removed from Bosnian territory by force while their case remained pending.

Amnesty International remains seriously concerned about the role and responsibility of US officials in relation to the transfer which violated the mens human rights. In a letter which the organization sent to the US Ambassador to Bosnia and Herzegovina on 18 January 2002, Amnesty International raised its concerns about violations of the mens right to a fair trial and the failure of the US authorities to grant them access to a court to challenge their deprivation of liberty. The organization also asked questions about the apparent lack of a clear legal basis on which US forces - as part of the Stabilization Forces (SFOR) - had taken custody of the men.

Amnesty International understands that, following the mens transfer to Guantánamo Bay, the US Embassy in Bosnia and Herzegovina has provided some information to their families, and that the latter have been able to write to some of the men in Guantánamo Bay through the assistance of the International Committee of the Red Cross. Although Embassy officials reportedly initially claimed that the men were held under investigation for terrorist acts, they later stated that the men were being held as enemy combatants and that they would not be released until the end of hostilities.

The organization reiterates its call to the US authorities to immediately release the Algerian men, unless they are charged with a recognizable criminal offence and tried in proceedings, which respect their right to a fair trial and do not impose the death penalty.

Public Document

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