

PUBLIC

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18 April 2008

UA 101/08 **Fear for safety/ fear of torture and other ill-treatment**

ALGERIA **Rabah Kadri (m), Algerian national**

There has been no news of the whereabouts of Rabah Kadri, an Algerian national who was deported from France on 15 April, since he arrived in the port of Algiers the following day. He may be detained by or have been transferred to officers of the Department for Information and Security (*Département du renseignement et de la sécurité*, DRS), in which case he would be at risk of torture and other ill-treatment.

Rabah Kadri arrived in Algiers by boat from the French port of Marseille at 10.30am on 16 April. The French authorities are said to have handed him over to the Algerian authorities. Rabah's relatives, who were waiting for him at the port, did not see him. However, that same morning, they received notification that they had to report to the police. When Rabah Kadri's father went to the police station on the same day, he was asked to confirm his son's identity and nationality. No mention was made to him that Rabah Kadri may be arrested or asked to report to the police. Since his arrival, his parents have not had any news from him.

Rabah Kadri was deported from France the day after he was released from Val de Reuil prison, on 14 April. On 16 December 2004, Rabah Kadri was convicted by the Paris Criminal Court (*Tribunal Correctional de Paris*) of involvement in a plot to bomb the city of Strasbourg Christmas market. He was sentenced to six years' imprisonment, followed by a permanent ban from French territory.

The DRS is a branch of Algerian military intelligence which specializes in interrogating people thought to possess information about terrorist activities. Terrorism-related arrests are either directly carried out by the DRS, or suspects are transferred to the custody of the DRS within the first few days of detention. Such detainees are routinely held without access to the outside world in military barracks operated by the DRS, such as the Antar military barracks in Algiers, which are not official places of detention. Amnesty International has received persistent reports of torture and other ill-treatment of people held incommunicado by the DRS.

BACKGROUND INFORMATION

People suspected of involvement in terrorist activities, or who are believed to possess information about terrorist activities in Algeria or abroad, face a real risk of incommunicado detention, usually in secret locations, and torture at the hands of the DRS 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.

According to Article 51 of the Code of Criminal Procedure, the judicial police may hold suspects for a maximum of 48 hours in detention without charge or access to legal counsel (*garde à vue*), after which they have to be either charged or released. However, the arresting authorities must immediately give detainees the opportunity to communicate with their families and to receive visits from them. The 48 hours limit of the period of *garde à vue* can be extended to four days if the detainee is held on suspicion of "undermining the security of the state". Upon written authorization by the public prosecutor, it may be extended to 12 days, if the suspect is detained on allegations of "terrorist or subversive acts".

Ensuring contact with the outside world is an important safeguard for the protection of the rights of all detainees under international human rights law. The UN Human Rights Committee, in its General Comment No. 20 on Article 7 of the International Covenant on Civil and Political Rights, to which Algeria is a state party, says that detainees should be given "prompt and regular access ... to doctors and lawyers and, under appropriate supervision when the investigation so requires, to family members."

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

- expressing concern that Rabah Kadri's whereabouts are unknown since he was handed over to the Algerian authorities on 16 April 2008 at 10.30am;
- urging the authorities to immediately reveal his whereabouts and to ensure that his relatives are told where he is detained and why, and are able to communicate with him, in accordance with Article 51 of the Algerian Code of Criminal Procedure;
- calling on the authorities to ensure that he is treated humanely in custody, and protected from torture and other ill-treatment;
- calling on the authorities to ensure that Rabah Kadri and all detainees are given prompt access to doctors, lawyers, and family members, according to their obligations under international human rights law.

Interior Minister

His Excellency Nouredine Yazid Zerhouni
Ministre de l'Intérieur
Ministère de l'Intérieur et des Collectivités Locales
Palais du Gouvernement, 18 rue Docteur Saâdane, Alger, Algeria
Fax: + 213 21 605210 / 736106
Salutation: Your Excellency/Excellence

Justice Minister

His Excellency Tayeb Belaiz
Ministre de la Justice
Ministère de la Justice
8 Place Bir Hakem, 16030 El Biar, Alger, Algeria
Fax: + 213 21 922956 / 921701 / 925557
Salutation: Your Excellency/Excellence

COPIES TO:

Official human rights body, reporting to president

M. Mustapha Farouk Ksentini
President, Commission nationale consultative de promotion et de protection des droits de l'Homme
Palais du Peuple, Avenue Franklin Roosevelt, Alger, Algeria
Fax: + 213 21 239037 / 239005
Salutation: Dear Sir/ Monsieur

Ministry of Foreign Affairs

M. Lazhar Soualem
Head of the Department for Human Rights
Ministère des Affaires Etrangères,
Place Mohamed Seddik Benyahia,
16070 El Mouradia,
Alger, Algérie
Fax : +213 21 504420
Salutation: Dear Sir/ Monsieur

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 30 May 2008.