

PUBLIC

AI Index: MDE 28/011/2007

25 May 2007

UA 124/07 Incommunicado detention/ fear of torture or ill-treatment

ALGERIA Fethi Hamaddouche (m), aged 24 or 25

The whereabouts of Fethi Hamaddouche, who was last seen by his brother on 5 March in the custody of the Department for Information and Security (*Département du renseignement et de la sécurité*, DRS), are unknown. Amnesty International fears that he is held incommunicado by the DRS and that he is at risk of torture or other ill-treatment.

In Algeria, suspects may be held without charge for a maximum of 12 days, under Article 51 of the Code of Criminal Procedure. The arresting authorities must immediately give them the opportunity to communicate with their families and to receive visits from them.

Fethi Hamaddouche did not come back home after going out on the evening of 2 March in Mostaganem, a town west of the capital, Algiers. On 5 March, armed DRS agents came to his family house. They then took Fethi's brother, Samir Hamaddouche, to their barracks in Mostaganem, in an area called "le Plateau". Samir was held at the barracks all day and reportedly beaten, apparently because he had asked the DRS agents if they had any authorization to search the house or an arrest warrant. DRS agents then brought Samir face-to-face with his brother Fethi, who was handcuffed and had a swollen face. DRS agents asked Samir Hamaddouche to confirm his brother's identity and questioned him about his friends and relatives. Fethi was reportedly coerced by DRS agents into telling his brother that he was "part of them", possibly in reference to an armed group. Samir was released on the evening of 5 March, and has had no further dealings with the DRS.

Since 5 March, Fethi Hamaddouche's family has not been permitted to see him and has received no official news of his whereabouts. They reportedly received an anonymous telephone call about two months after Fethi's arrest, alleging that Fethi Hamaddouche had been transferred to the Hydra district in Algiers, the location of the Antar military barracks, part of which is used as an unrecognized detention centre. There is no information of any charges against Fethi Hamaddouche and it is not known whether he has had any access to legal representatives or medical aid.

BACKGROUND INFORMATION

The Algerian authorities have been engaged in counter-terrorism measures for over a decade, in the context of the internal armed conflict in the country during the 1990s, and subsequently as part of the global "war on terror". On 11 April 2007, bomb attacks in Algiers killed some 23 people and injured over 160. Amnesty International recognises the right and duty of states to protect the lives of persons by taking steps to prevent terrorist acts, but underlines that governments must do so in accordance with their human rights obligations.

Algerian law is routinely violated in cases of people suspected of "terrorism" who are arrested or detained by the DRS. Before they are either brought before the judicial authorities or released without charge, those arrested are systematically held incommunicado for up to 12 days, and sometimes longer. It is while they are in secret detention in barracks operated by the DRS that detainees are most at risk of torture and other ill-treatment. Amnesty International has received information on several cases where detainees were held by the DRS for months without contact with the outside world in violation of Algerian and international law, during which time they were reportedly subjected to torture and other ill-treatment. Algeria's civilian authorities do not exercise effective control over the activities of the DRS.

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

- expressing concern for the safety of Fethi Hamaddouche, who is feared to have been held by the DRS for almost three months;
- expressing concern that he has not been given access to his family, in violation of Article 51 of the Algerian Code of Criminal Procedure;
- urging the authorities to immediately reveal his whereabouts and give him access to his relatives, and any legal and medical aid he may need;
- urging the authorities to either release him immediately, or charge him with a recognizably criminal offence and grant him prompt legal counsel;
- expressing concern at reports that he may have been tortured or ill-treated in detention, and calling on the authorities to guarantee that he is not at risk of torture or other ill-treatment;
- asking the authorities to open investigations into allegations that Fethi Hamaddouche may have been tortured or ill-treated, as well as into persistent reports of torture or other ill-treatment by agents of the DRS.

APPEALS TO:

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

Commission nationale consultative de promotion et de protection des droits de l'Homme
M. Mustapha Farouk Ksentini (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 6 July 2007.