

PUBLIC

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UA 320/07 Torture/III-treatment

SLOVAKIA Mustapha Labsi (m), aged 37, Algerian national

The Slovakian authorities are preparing to forcibly return Mustapha Labsi to Algeria. This would put him at serious risk of torture.

Slovakia is a state party to the International Covenant of Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention on the Protection of Human Rights and Fundamental Freedoms, which expressly prohibit the return of anyone to a country where they would be at risk of torture.

Algerian national Mustapha Labsi has been in custody in Bratislava since 3 May 2007 on an extradition request by Algeria. He applied for asylum on 27 June; this was refused on 24 September. The Bratislava Regional Court ruled on 30 November that it would be admissible to extradite him. The final decision on whether he will be extradited lies with the Minister of Justice.

Mustapha Labsi was tried in absentia in Algeria and sentenced to life imprisonment on charges related to terrorism. The Slovak authorities are known to have obtained diplomatic assurances from Algeria that if Mustapha Labsi were to be returned he would have the right to a new, fair trial, where he would be entitled to legal representation, in front of a regular criminal jury. Algeria also gave assurances that Mustapha Labsi could not legally be sentenced to death for the crimes he has been charged with.

The UN Human Rights Committee published a report on 1 November which concluded that Algeria is regularly failing to honour its undertakings as a state party to the ICCPR. In the light of this, and Amnesty International's research on Algeria, it is clear that the Slovak authorities should not base a decision to extradite Mustapha Labsi on any promises made by Algerian diplomats. These informal, unenforceable promises to ensure respect for Mustapha Labsi's rights are made outside the framework of international law. Such "assurances" do not obviate the Slovak authorities' obligation not to send a person to a place where they would face a real risk of human rights violations.

BACKGROUND INFORMATION

Anyone in Algeria suspected of involvement in terrorist activities, or who is believed to possess information about terrorist activities, whether in Algeria or abroad, faces a real risk of secret detention and torture. 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. These requirements are routinely violated in the cases of people held by the Department for Information and Security (*Département du renseignement et de la sécurité*, DRS), which specializes in interrogating those thought to have information about terrorist activities.

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 have no effective control over the activities of the DRS.

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

- urging the authorities not to extradite Mustapha Labsi to Algeria, where he would be at risk of serious human rights violations, including torture;
- pointing out that returning Mustapha Labsi to Algeria would be a breach of Slovakia's obligations under the UN Convention Against Torture (CAT) and other international human rights law;
- asking the authorities not to accept any diplomatic assurances from Algeria, which would allow them to return him;
- reminding the authorities that Slovakia is obliged under international law, the CAT and the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which it is a party, not to return anyone to a country or territory where they would be at risk of torture or other serious human rights violations, and this is an absolute prohibition.

APPEALS TO:

Minister of Justice

Mr Štefan Harabin
Župné námestie 13
81311 Bratislava
Slovakia

Fax: +421 2 593 53 601
Email: minister@justice.sk
Salutation: Dear Minister

Public Defender of Rights

Pavel Kandrác
Verejný Ochranca Práv
Kancelária Verejného Ochrancu Práv
P.O.Box 1
820 04 Bratislava
Slovakia

Fax: +421 2 48 287 203
Email: sekretariat@vop.gov.sk
Salutation: Dear Public Defender of Rights

State Prosecutor

General Prosecutor of the Slovak Republic
International department
Kvetná 13, P. O. Box 147,
820 05 Bratislava 25
Slovakia

Fax: +421 2 554 23 196
Email: <mailto:generalna.prokuratura@genpro.gov.sk> generalna.prokuratura@genpro.gov.sk
Salutation: Dear State Prosecutor

COPIES TO: diplomatic representatives of Slovakia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 11 January 2007.