

EXTERNAL (for general distribution)

AI Index: MDE 28/02/95
Distr: UA/SC

UA 90/95 Fear of Torture/ill-treatment

12 April 1995

ALGERIA Mohamed Benmarksi

Mohamed Benmarksi, a taxi driver who had worked with a number of foreign journalists in Algeria, was arrested and taken from his home on 8 April 1995 at around 2.00 am by members of the security forces who presented themselves as "journalists". Since his arrest his family has been unable to obtain any information about his place of detention or the reason for his arrest.

Mohamed Benmarksi had recently been questioned by security forces in a hotel in Algiers where he had been to see a foreign journalist who was visiting Algeria at the time. He had also appeared in a foreign television program testifying to human rights violations committed by the security forces.

BACKGROUND INFORMATION

The practice by the Algerian security forces of arresting individuals from their homes, often at night, without warrants is widespread. The families of those arrested are never informed of their relative's place of detention while these are held in incommunicado detention, which is often illegally prolonged for weeks and even months. It is during this period, when detainees are held completely cut off from the outside world without access to their families and lawyer, that detainees are most at risk of torture, ill-treatment and "disappearance". Reports of torture of detainees held in incommunicado detention in Police, Gendarmerie and Military Security stations have continued to be very widespread. However, to date, complaints of torture by detainees and their lawyers have been ignored by the courts, and no independent investigation has been carried out into the numerous cases raised. In addition, scores of people who were arrested as far back as 1993 have "disappeared" and remain unaccounted for; others were extrajudicially executed and later reported to have been killed in armed clashes.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in French, Arabic, English or in your own language:

- expressing your concern that Mohamed Benmarksi is being held in incommunicado detention without access to his family and lawyers, and stressing that Article 9(3) of the International Covenant on Civil and Political Rights, ICCPR, to which Algeria is a state party, states that: "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge...";
- urging the Algerian authorities to clarify his whereabouts and legal status to his family and to allow them immediate access to him; and to allow him immediate access to legal counsel and medical care as necessary;
- expressing your concern that he is at risk of torture and ill-treatment while held in incommunicado (*garde à vue*) detention, and stating that Amnesty International has repeatedly raised its concerns with the Algerian authorities about the widespread torture and ill-treatment of detainees held incommunicado by members of the security forces.

APPEALS TO:

- 1) President

M. Lamine ZEROUAL
 Président de l'Etat
 Présidence de la République
 El Mouradia
 Alger
 Algérie
Telegrams: Président Zéroual, Alger, Algérie
Telexes: 66044/66088
Faxes: + 213 2 60 96 18/66044/66088
Salutation: Monsieur le Président/Dear President

3) Minister of Interior
 M. Abderrahmane Meziane CHERIF
 Ministre de l'Intérieur
 Ministère de l'Intérieur
 18 rue Docteur Saâdane
 Alger
 Algérie
Telegrams: Ministre Chérif, Alger, Algérie
Telexes: 66341
Faxes: + 213 2 736106
Salutation: Monsieur le Ministre/Dear Minister

2) Minister of Justice
 M. Mohamed ADAMI
 Ministre de la Justice
 Ministère de la Justice
 8 Place Bir Hakem
 El-Biar
 Alger
 Algérie
Telegrams: Ministre Adami, Alger, Algérie
Telexes: 61498
Faxes: + 213 2 796557
Salutation: Monsieur le Ministre/Dear Minister

COPIES OF YOUR APPEALS TO:

Human Rights Organizations

Observatoire national des droits de l'homme
 Palais du Peuple
 Avenue F. Roosevelt
 Alger, Algérie
Faxes: + 213 2 601042

Ligue algérienne des droits de l'homme
 40-42 Rue M'Hidi Larbi
 Place Emir Abdelkader
 Alger, Algérie

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 24 May 1995.