

**EXTERNAL (for general distribution)**

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PLEASE DRAW TO THE ATTENTION OF THE REFUGEE COORDINATOR IN YOUR SECTION

**EXTRA 10/94      Fear of Refoulement**

**16 February 1994**

**ALGERIA**

**Idriss NOUIOUI  
Kaddour NAGHMOUCHI  
Mahjoubi SOLTAN  
Nassereddine KHELISI  
Barhoumi BOUMENJEL  
Bechir Aboud ABDELJAOUAD  
Zine El Abidine ATTIA      (all Tunisian nationals)**

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Amnesty International is extremely concerned that the above Tunisian nationals, refugees in Algeria, are at risk of expulsion to Tunisia where they face torture, ill-treatment and imprisonment after unfair trial.

Idriss Nouiou, Kaddour Naghmouchi, Mahjoubi Soltan, Nassereddine Khelisi, Barhoumi Boumenjel, Bechir Aboud Abdeljaouad and Zine El Abidine Attia were arrested in Algiers on 9 February 1994. The only reason given for their arrest was reportedly that their home address did not concur with the one registered with the police. They had sought asylum in Algeria as they feared persecution in Tunisia because of their support, as activists or sympathizers, of the unauthorized Islamist movement *al-Nahda*. All seven are registered as refugees in need of protection by the Office of the United Nations High Commissioner for Refugees (UNHCR) in Algiers. Their lawyer, UNHCR and Amnesty International are presently seeking to establish their legal status, place and conditions of detention.

**BACKGROUND INFORMATION**

There have been several cases over the last two and a half years of forcible return (*refoulement*) of Tunisian nationals seeking asylum in Algeria. Most recently, Amnesty International issued urgent appeals in September 1993 on behalf of three Tunisian asylum-seekers, but in vain. The Algerian authorities, who had never replied to repeated inquiries made on the asylum-seekers' behalf by the organization, had already handed them over to the Tunisian authorities in July 1993; after their forcible return, they were detained in Tunis and reportedly tortured. Amnesty International has repeatedly called on the Algerian authorities not to forcibly return Tunisian asylum-seekers to Tunisia, where many are at risk of imprisonment as prisoners of conscience, unfair trial, torture or even death in custody.

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

- urging the Algerian authorities not to forcibly return to Tunisia Idriss NOUIOUI, Kaddour NAGHMOUCHI, Mahjoubi SOLTAN, Nassereddine KHELISI, Barhoumi BOUMENJEL, Bechir Aboud ABDELJAOUAD and Zine El Abidine ATTIA, who have been recognized by UNHCR in Algiers as being in need of protection;
- reminding the Algerian authorities of their obligation under international law not to forcibly return anyone to a country where he or she would risk serious human rights violations, including torture; state that this principle of *non-refoulement* is reflected in several Human Rights instruments such as Article 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Algeria is a state party;
- reminding the Algerian authorities that Article 66 of the Algerian

Constitution specifically states: "*Under no circumstances shall a political refugee, entitled by law to the right of asylum, be handed over or extradited*" ("*En aucun cas, un réfugié politique, bénéficiant légalement du droit d'asile, ne peut être livré ou extradé*");

- calling on the Algerian authorities to allow their lawyer, families and UNHCR full access to the individuals concerned.

#### **APPEALS TO**

##### **Salutation for all: Votre Excellence/Your Excellency**

##### 1) State President

M. Lamine ZEROUAL  
Président de l'Etat  
Présidence de la République  
El Mouradia  
Alger, Algérie

**Faxes: +213 2 60 96 18**

**Telexes: 66044/66088**

**Telegrams: Président de l'Etat Zeroual, Alger, Algérie**

##### 2) Minister for Foreign Affairs

M. Mohamed Salah DEMBRI  
Ministre des Affaires étrangères  
Ministère des Affaires étrangères  
6 rue 16n-Batran  
El-Mouradia  
Alger, Algérie

**Faxes: +213 2 60 51 61**

**Telexes: 66241/66178/66243**

**Telegrams: Ministre Dembri, Ministre des Affaires étrangères, Alger, Algérie**

##### 3) Prime Minister

M. Redha MALEK  
Chef du Gouvernement  
Palais du Gouvernement  
Alger, Algérie

**Telexes: 66217/66221**

**Telegrams: Premier Ministre Malek, Alger, Algérie**

##### 4) Minister of the Interior

M. Salim SAADI  
Ministre de l'Intérieur  
Ministère de l'Intérieur  
Alger, Algérie

**Faxes: +213 2 61 88 02 or +213 2 64 57 93**

**Telexes: 66341**

**Telegrams: Ministre Saadi, Ministre de l'Intérieur, Alger, Algérie**

##### 5) Minister of Justice

M. Mohamed TEGUIA  
Ministre de la Justice  
Ministère de la Justice  
8 rue de Khartoum  
El-Biar  
Alger, Algérie

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**Telexes: 61498**

**Telegrams: Ministre Tégua, Ministre de la Justice, Alger, Algérie**

**COPIES 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 17 March 1994.