

UA 273/01

Fear of "**ALGERIAN Nacer Hamani (m), aged 36**

Nacer Hamani was deported to Algeria from France on 16 October and arrested on arrival. His whereabouts are now unknown, and he is at grave risk of torture.

He arrived at Algiers airport at around 5pm, and was reportedly arrested as soon as he stepped off the plane, without passing through immigration control. When his lawyer contacted the airport police later that day, he was told that no one by the name of Nacer Hamani had arrived that day from France.

On 19 October, Nacer Hamani called his family and told them he was in custody at Algiers central police station. His lawyer went to the police station the next day, but was told that Nacer Hamani had been brought before the public prosecutor and remanded to prison. However the public prosecutor's office denied that Nacer Hamani had been referred to them.

This is the only information Nacer Hamani's family and lawyer have been able to obtain. By law, detainees may be held incommunicado for up to 12 days, but their family and lawyer have to be notified about their whereabouts: during this time they are at especial risk of torture.

BACKGROUND INFORMATION

Nacer Hamani, a father of three, had been living in France since 1978. He was arrested in 1995 after a series of bomb attacks, allegedly carried out by a Europe-based support network of the Algerian *Groupe islamique armé* (Armed Islamic Group). In 1998 he was sentenced to eight years' imprisonment followed by a permanent ban from French territory, on charges of "belonging to a criminal gang connected with a terrorist act (*"pour association de malfaiteurs en relation avec une entreprise terroriste"*).

He was due to be released on 6 October 2001, after serving a reduced sentence. On 3 October the French authorities informed him that he would be expelled to Algeria immediately following his release. The deportation ruling was challenged by the French Interior Ministry, but upheld by the *Conseil d'Etat* (State Council), France's highest administrative court.

Reports of torture, ill-treatment and "disappearances" at the hands of the Algerian security forces have decreased substantially in the last two to three years. However, dozens of people arrested during this period on suspicion of links to armed groups have been tortured in custody. Some have "disappeared" after arrest or spent months in secret detention in military bases. The authorities still do not investigate these human rights violations, and those responsible enjoy complete impunity.

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

- expressing grave concern that Nacer Hamani appears to be held in secret detention, where he is at risk of torture;
- urging the authorities to tell his family and lawyers where he is;
- seeking assurances that Nacer Hamani will not be ill-treated or tortured;
- asking that he is not held in incommunicado detention for more than the legal limit of 12 days, and that if held for longer, he is given access to his family and lawyers.

APPEALS TO:

Interior Minister

M. Nouredine Yazid ZERHOUNI
Ministre de l'Intérieur
Ministère de l'Intérieur et
des Collectivités Locales
18 rue Docteur Saâdane
Alger
Algeria

Fax: + 213 21 73 61 06

Telex: 66341

Salutation: Excellence / Your Excellency

Justice Minister

M. Ahmed OUYAHIA
Ministre de la Justice
Ministère de la Justice
8 Place Bir Hakem
El Biar, Alger
Algeria

Fax:+ 213 21 92 21 95

Telex:61498

Salutation:Excellence / Your Excellency

COPIES TO:

President of government human rights commission

Maître Farouk Ksentini
Président

Commission nationale consultative de promotion et de protection des droits
de l'Homme

Palais du Peuple
Avenue Franklin Roosevelt
Alger
Algeria

Fax: +213 21 23 90 37 / 23 90 05 / 23 03 11

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 December 2001.