

**EXTERNAL (for general distribution)**

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

**EXTRA 79/95**

**Fear of imminent refoulement**

**30 June 1995**

**GERMANY      Boualem Rebai, Algerian asylum-seeker, former police officer, born  
1962**

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Boualem Rebai faces imminent and forcible return to Algeria where he would be at serious risk of arbitrary detention, "disappearance", torture or extrajudicial execution.

Until 1990, Boualem Rebai was a police officer in the town of Oued Sly in Algeria.

In 1990 he sought to resign from the police force reportedly because he did not want to become involved in operations the police were conducting as part of the political crackdown begun at that time. His resignation was turned down, but he was allowed to take a long leave of absence on medical grounds and to return his uniform and weapon. Following the increase in political violence in Algeria, he fled his country and applied for political asylum in Germany on 20 April 1993. He was later accused of the arson of the refugee centre where he was being held and, on 25 May 1994, was sentenced to one year, seven months and two weeks' imprisonment. He has consistently denied the charge. He was released after a year for good behaviour.

Boualem Rebai's asylum claim was rejected by the authorities of the Free State of Bavaria (*Freistaat Bayern*) in January 1995. The appeal to the Federal Authority for the Recognition of Foreign Refugees (*Bundesamt fuer die Anerkennung auslaendischer Fluechtlinge*) was rejected on 11 April. Despite repeated appeals by Amnesty International, the Bavarian authorities decided to go ahead with their plans to deport him. On 26 June he was taken to the airport, where he attempted to commit suicide by cutting his veins with a razor blade. He was treated in hospital and is now being held in a detention centre.

The deportation order remains valid and the authorities could again seek to deport him at any time.

Boualem Rebai will be in serious danger if returned to Algeria. One of his brothers, who was a member of the illegal Islamist opposition party, the *Front Islamique du Salut* (FIS), was extrajudicially executed in October 1993 (see below). Relatives of FIS members are at particular risk of human rights violations by the Algerian security forces. Those leaving the police force without authorization, or army deserters, are also at risk. The fact that he has been in Germany could put him in further danger if returned to Algeria, as he could be considered by the authorities there to have been in a position to disclose information about human rights violations carried out by the security forces in Algeria.

#### **BACKGROUND INFORMATION**

Boualem Rebai's brother, Rabah Rebai, was arrested from his home in Oued Sly on 28 September 1993. His body was found 13 days later near his village. He had been shot in the head, chest and left leg and had bruises and wounds on the face, chest, right leg and arm. Following the discovery of his body the authorities refused to give his family any explanation regarding the circumstances of his death. When the family recovered his body from the morgue it was in a sealed coffin (see *Algeria: Repression and violence must end*,

MDE 28/08/94, p.9.). Eighteen others arrested at the same time as Rabah Rebai were also reported to have been found dead in similar circumstances.

Since the outbreak of the current political violence in 1992, tens of thousands of Algerians have been arbitrarily detained, tortured, ill-treated, "disappeared" and extrajudicially executed by the security forces.

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

- urging the Bavarian authorities not to forcibly return Boualem Rebai to Algeria where he is at particular risk of arbitrary detention, torture, "disappearance" or extrajudicial execution for being a brother of a FIS member who was extrajudicially executed and for having left the police force and the country without authorization;
- reminding the Bavarian authorities of Germany's obligation under the 1951 Convention relating to the Status of Refugees, in particular Article 33, not to forcibly return anyone to a country where he or she would be at risk of serious human rights violations;
- further reminding the authorities of their duty under Article 3 of the UN Convention against Torture as well as Article 3 of the European Convention on Human Rights and Fundamental Freedoms, not to send people to countries where they may be at risk of torture.

#### **APPEALS TO**

1) Interior Minister of Bavaria:  
 Bayrischer Staatsminister des Innern  
 Herrn Dr. Gunther Beckstein  
 Odeonplatz 3  
 80539 Munchen, Germany  
**Phone: +49 89 21 92 01**  
**Faxes: +49 89 28 20 90**  
**Telegrams: Interior Minister, Munich, Germany**  
**Salutation: Dear Minister**

2) Prime Minister of Bavaria:  
 An den  
 Ministerpräsidenten des Freistaates Bayern  
 Herrn Dr Edmund Stoiber  
 Franz-Josef-Strauss Ring 1  
 80539 Munchen, Germany  
**Faxes: +49 89 29 40 44**  
**Telexes: 523809**  
**Telegram: Prime Minister, Munich, Germany**  
**Salutation: Dear Prime Minister**

#### **COPIES OF YOUR APPEALS TO:**

Chairman of the Petitions Committee of the Bavarian Parliament:  
 Vorsitzender des Petitionsausschusses  
 des Bayrischen Landtags  
 Herrn Dr Helmut Ritzer  
 Nurnberg, Germany  
**Faxes: +49 91 28 12 406**

and to diplomatic representatives of GERMANY accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.