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Bosnia-Herzegovina: Transfer of six Algerians to US custody puts them at risk

Six Algerian men are at risk of imminent transfer to US custody from Bosnia-Herzegovina, to stand trial in connection with their alleged participation in "international terrorism", without their rights being guaranteed, Amnesty International cautioned.

The Bosnian Federation Supreme Court order under which the men are being held in investigative detention is due to expire tomorrow, 18 January. Amnesty International fears that if transferred to the custody of the USA, the men may face unfair trials before newly established special military commissions and risk being sentenced to death.

As far as Amnesty International is aware, no official request for the extradition of the men has been sent to date to the Federation authorities by the USA. However, according to information received by the organization, US security officials, including the Federal Bureau of Investigation (FBI) have been extensively involved in the investigations.

The organization fears that the USA may seek to circumvent formal extradition proceedings -- known as "rendition" in US parlance -- and that the men may be illegally arrested by US security forces stationed in Bosnia as part of the SFOR international peace-keeping forces.

"Governments cannot just ignore their human rights obligations. These men should only be transferred to US custody following proper extradition proceedings before a court of law and after the Federation authorities have obtained firm guarantees that they will not be tried

before the special military commissions or face the death penalty," Amnesty International urged.

There is an additional possibility that the men may be deported to Algeria, since some of them were deprived of their Bosnian citizenship at the start of the investigation. Should this happen, Amnesty International is seriously concerned that they may be arrested, detained and subjected to torture by the Algerian security forces.

Background

In early October 2001, Federation police forces arrested six Algerian men on suspicion of participation in the planning of an attack on the US Embassy in Sarajevo. An investigation against them was opened on 30 October 2001 by the Federation Supreme Court investigative judge. The investigation which was opened following a criminal report from the US Embassy, however, reportedly found no evidence to substantiate the allegations. In particular, the court was refused access to tapes by US intelligence services, which according to US sources contained wiretapped telephone conversations between the accused and a high ranking al-Qaeda member.

In November 2001, Amnesty International expressed its grave concern that the Military Order signed by President Bush creating special military commissions for the prosecution of non-US citizens suspected of "international terrorism", violated international standards guaranteeing the right to a fair trial and freedom from discrimination. The USA is bound by international law to respect such fundamental rights and Amnesty International called for the Military Order to be revoked.

Amnesty International has urged that no one be extradited or otherwise transferred to the USA if they could face trial by these special

military commissions and/or capital punishment. In a recent report, the organization recalled high court rulings in Canada and South Africa which ruled that extraditions could only take place after guarantees had been obtained that the suspects would not face the possibility of the death penalty after transfer to the requesting country.

The organization calls for those responsible for the attacks of 11 September and other crimes to be brought to justice in accordance with international human rights standards; this would not preclude trial before the ordinary US criminal courts, without recourse to the death penalty.

In October and November last year, Amnesty International and the Helsinki Committee for Bosnia-Herzegovina criticized the expulsion of two Egyptians, reportedly on the basis of an extradition request from Egypt. No extradition proceedings were held before a Bosnian court and the Federation authorities failed to obtain guarantees that the men would be protected against torture, as they are obliged to under the Convention against Torture and other Cruel, Inhuman and Degrading Punishment. The fate and whereabouts of both men remain unknown.

In a number of recent cases, Algerians alleged to have links with armed groups who were returned to the country have been arrested upon arrival and held in incommunicado detention for up to 12 days, the legal limit for cases related to "terrorist or subversive acts". In one case, the returned person was reportedly tortured while in the custody of the military intelligence services. In another case, a man "disappeared" for several days after being taken into police custody.

For further information, please see:

USA: No return to execution - The US death penalty as a barrier to extradition (AI Index: AMR 51/17/2001):
<http://web.amnesty.org/ai.nsf/Index/AMR511762001?OpenDocument&of=COUNTRIES\USA>

USA: Presidential Order on military tribunals threatens fundamental principles of justice. (AI Index: AMR 51/165/2001):
<http://web.amnesty.org/ai.nsf/Index/AMR511652001?OpenDocument&of=COUNTRIES\USA>

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