

PUBLIC

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UA 53/05 Possible secret detention/fear of torture

ALGERIA Ali Drif (m), Algerian national

Algerian national Ali Drif was forcibly returned from France on 26 February. There has been no news of him since then. Amnesty International fears that he may be in secret detention, where he would be at risk of torture.

He had completed a three-year prison sentence for having contact with “terrorist” networks on the day he was deported. His sentence included a permanent ban from French territory, but he had apparently not received an administrative decision for deportation. At 5am on 26 February French security forces took him from Saint-Paul prison, in Lyon, to Marseille port, without any opportunity to appeal against the decision to deport him. That afternoon, his wife received a brief telephone call, in which Ali Drif told her that he had been put on a boat to Algiers. This is the last his family have heard from him. The boat would have reached Algiers on 27 February.

Ali Drif was born in France to Algerian parents. He is married with four children. He was originally arrested in 1995 on charges of having contacts with people accused of involvement in a wave of bombings in France that year, in which several people died. He was released in 1997, before he had been put on trial, and acquitted in 1998. The acquittal was overturned on appeal in October 1999, when the three-year prison sentence and ban from French territory were handed down.

Apparently due to an administrative oversight, the authorities did not return him to prison. It was only when he was involved in a traffic accident in 2004, and police checked his details, that they realised he still had to serve some five months of his sentence. He presented himself voluntarily to the local police on 20 September, knowing that he would be imprisoned to serve the remainder of his 1999 sentence.

BACKGROUND INFORMATION

Under Article 51 of the Algerian Penal Procedures Code, detainees may be held without charge for a maximum of 12 days. The arresting authorities must immediately give them the opportunity to communicate with their families, and tell their families where they are detained.

In practice, however, the provisions of this law are routinely violated. Those arrested are systematically held in secret detention, until they are either brought before the examining magistrates or released without charge. It is while they are in secret detention in police, gendarmerie or military security centres that detainees are most at risk of torture, ill-treatment and “disappearance”. During the 1990s, more than 4,000 people “disappeared” in Algeria after they were arrested, and their whereabouts are still unknown.

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

- expressing concern that Ali Drif may have been secretly detained since 27 February, in violation of Article 51 of the Algerian Penal Procedures Code;
- urging the authorities to ensure that if he is in custody he is humanely treated, and protected from torture and ill-treatment;
- calling on the authorities to tell his family where he is detained, to ensure that he can communicate with his family and that he be given any medical attention he may require.

APPEALS TO:Interior Minister

His Excellency Nouredine Yazid Zerhouni
Ministre de l'Intérieur
Ministère de l'Intérieur et des Collectivités Locales
Palais du Gouvernement
18 rue Docteur Saâdane
Alger
Algeria

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Salutation: Your Excellency/Excellence

Justice Minister

His Excellency Tayeb Belaiz
Ministre de la Justice
Ministère de la Justice
8 Place Bir Hakem
16030 El Biar
Alger
Algeria

Fax: +213 21 922956
+213 21 921701
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Salutation: Your Excellency/Excellence

COPIES TO:Official human rights body, reporting to president

Commission nationale consultative de promotion et de protection des droits de l'Homme
M. Mustapha Farouk Ksentinin (Président)
Palais du Peuple
Avenue Franklin Roosevelt
Alger
Algeria

Fax: + 213 21 239037
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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 18 April 2005.