

UA 50/02      Prolonged secret detention/  
Fear of "disappearance"/  
Fear of ill-treatment

14 February 2002

**ALGERIA**      **Omar Toumi (m)**

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Omar Toumi was reportedly arrested in Algiers on 26 January, when he did not return from a hospital visit. His family presumes that he is being detained at El-Harrach prison, but has not received official notification of his whereabouts nor have they been able to see him. By law, Omar Toumi should have been brought before a court within twelve days, or released.

On 1 February, his family received an anonymous phone call from someone who claimed having been in detention with Omar Toumi at the *Commissariat central d'Alger*, Algiers central police station. Omar Toumi had given the caller his family's phone number to so that they could be notified about his whereabouts. In the days that followed Omar Toumi's mother repeatedly went to the courts and possible detention centres to inquire about her son. She was not however able to find out what had happened to him.

On 11 February she received oral confirmation from the prosecutor at the court of El-Harrach that her son was detained at El-Harrach Prison, Algiers. She was promised a visitor permit but has not been able to see her son since, neither has she received written confirmation of his whereabouts or of any charges that might have been brought against him.

In 1996 Omar Toumi had been condemned to seven years' imprisonment on charges of belonging to a "terrorist" group. He was released in July 1999 in the framework of the Law on Civil Harmony introduced by President Bouteflika.

On 27 December 2001, three armed men in plain clothes inquired about Omar Toumi at the family home in Algiers and searched the house. When they did not find him they demanded that he presents himself to the police as soon as possible and reportedly issued direct threats regarding his physical safety. Four armed men in plain clothes returned the following day, one of whom was recognised as having been part of the previous day's group. When the father, Mohammed Toumi, asked the men who they were and insisted to be told the reason why they were looking for his son he was pushed against a wall and forcefully taken to the local police station. The men dropped Mohammed Toumi at the police station and left without further explanation. The police officers did not offer an explanation either, urging Mohammed Toumi to make his son present himself to the police. Mohammed Toumi then returned home.

Omar Toumi's brother, Said Toumi, is a victim of "disappearance" whose case is being worked on by Amnesty International groups. Said Toumi was arrested at his workplace by plainclothes security officers in September 1994. Despite making every effort to establish his whereabouts, his family have not had any news to date.

#### **BACKGROUND INFORMATION**

Under Article 51 of the Code of Penal Procedure in Algerian law, detainees may be held incommunicado for a maximum of 12 days. During this time their families and lawyers should be told where they are detained and allowed to communicate with them. However, in practice the provisions of this law are routinely violated, as those arrested are systematically held in secret detention, often much beyond the 12-day limit, until they are either brought before the examining magistrates or released without charge. It is while they are in secret detention in police, gendarmerie and military security centres that detainees are most at risk of torture, ill-treatment and "disappearance".

Some 4,000 people have "disappeared" after arrest by the security forces since 1993 and to date they remain unaccounted for. Their families have been searching to find out what has happened to them ever since. Despite repeated government

promises to carry out investigations into "disappearances", not one individual case has been fully and independently investigated. "Disappearances" are still being reported, although the number has gone down considerably since 1998.

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

- expressing concern that Omar TOUMI, arrested on 26 January, is still in secret detention;
- urging that he be granted immediate access to his family and lawyers and to any medical attention he requires;
- urging that he be immediately released unless he is charged with a recognizably criminal offence, in which cases he should be brought immediately before the judicial authorities, in compliance with Algerian law and international human rights treaties ratified by Algeria.

**APPEALS TO:**

Interior Minister

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

**Telegrams: Ministre Interieur, 18 Rue Docteur Saadane, Alger, Algeria**

**Faxes: + 213 21 736106**

**Salutation: Monsieur le Ministre / Your excellency**

Minister of Justice

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

**Telegrams: Ministre Justice, 8 Place Bir Hakem, Alger, Algeria**

**Faxes: + 213 21 922195**

**Salutation: Monsieur le Ministre / Your excellency**

Head of Military Security

Général-Major Mohamed Mediène  
Département du renseignement et sécurité  
Ministère de la Défense Nationale  
BP 184  
Alger-Gare, Alger  
Algeria

**Telegrams: General Mohamed Mediène, BP 184, Alger, Algeria**

**Salutation: Dear General Mediène**

**COPIES TO:**

State Human Rights Institution reporting to the President

Maître Mustapha Farouk Kasentini  
Commission nationale consultative de promotion et de protection des droits  
de l'Homme  
Palais du Peuple  
Avenue Franklin Roosevelt  
Alger, Algeria

**Faxes: + 213 21 239005 / 239037 / 230311**

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 28 March 2002.