

EXTERNAL (for general distribution)

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Death Penalty

27 July 1995

ALGERIA

Abdelkader HALOUANE  
Mustapha RAHMOUNI  
Sadok BOUKEDDACHE  
Mohamed BERBAR

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Amnesty International has learned that Abdelkader Halouane, Mustapha Rahmouni and Sadok Boukeddache were sentenced to death on 18 July 1995 by the court of Tizi Ouzou on charges of murder and other "terrorist" activities on behalf of armed groups. Amnesty International is concerned that their trial did not comply with international standards for fair trial, and that allegations that they had been tortured and ill-treated during illegally prolonged incommunicado detention were not investigated by the court. Mohamed Berbar was sentenced to death on 23 July 1995 by the court in Tizi Ouzou on charges of "terrorist" activities on behalf of an armed group; he was acquitted of charges of murder.

Abdelkader Halouane is reported to have been arrested on 25 April 1994 and to have spent 53 days in illegally prolonged incommunicado (garde à vue) detention, during which he was tortured and ill-treated. He and other accused stated in court that they had been tortured during their illegally prolonged garde à vue detention to force them to make televised confessions, which they denied in court.

Both trials are reported to have been held in camera. These prisoners have no right of appeal, and may only seek a review by cassation in the Supreme Court, which only rules on alleged misapplication of procedures and does not re-examine the facts of a case. If the death sentences are upheld by the Supreme Court, the last recourse for the defendants is to present a plea for clemency to the President of the State.

#### BACKGROUND INFORMATION

Scores of people have been sentenced to death, most of them *in absentia*, in Algeria since amendments to the legal codes in February 1995, which followed the announcement by the Algerian authorities that the anti-terrorist decree of September 1992 would be repealed. More than 1,000 people, most of them *in absentia*, had been sentenced to death under this decree. In view of Amnesty International's concerns that this decree had seriously curtailed safeguards for the right to defence, and that trials in the special courts set up by this decree did not comply with international standards for fair trials, the organization had welcomed the decision by the Algerian authorities to repeal this decree, to abolish the special courts and to try those accused of "terrorist" offences before ordinary courts. However, Amnesty International is now concerned that as a result of the amendments introduced in February 1995 to the Penal Code, and to the Code of Penal Procedure, the anti-terrorist decree, an emergency law has been incorporated virtually in its integrity into permanent legislation.

Under Algerian law the definition of "terrorist or subversive acts" includes obstructing circulation on roads, occupying public places by public gatherings, obstructing the action of the public authorities, obstructing the functioning of public institutions, reproducing or distributing documents or tapes praising the acts mentioned in this law, and belonging to any "terrorist or subversive"

group or association outside Algeria. However, these broad definitions are so vaguely worded that they do not make clear precisely what is prohibited by the law. Such vagueness increases the risk that individuals may be imprisoned without there being evidence that they have committed a specific recognizable crime, or solely for having exercised their right to freedom of expression and association, rights guaranteed under international human rights treaties to which Algeria is a state party.

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

- expressing your concern that Abdelkader Halouane, Mustapha Rahmouni, Sadok Boukeddache and Mohamed Berbar have been sentenced to death;
- urging President Liamine Zeroual to commute these death sentences if they are upheld by the Supreme Court;
- expressing concern over allegations that these detainees were tortured and ill-treated during incommunicado detention were not investigated, and that the trials did not comply with international standards for fair trial, in breach of international human rights treaties to which Algeria is a state party;
- stating that Amnesty International had publicly welcomed the suspension of executions last year, and urging the Algerian authorities not to allow executions to resume in Algeria;
- explaining that whilst Amnesty International does not condone acts of violence and recognizes the right of governments to bring to justice those responsible for such acts, the organization unconditionally opposes the death penalty in all cases as the ultimate form of cruel, inhuman and degrading punishment and a violation of the right to life, as proclaimed in the Universal Declaration of Human Rights.

#### **APPEALS TO**

##### 1) President

M. Liamine ZEROUAL  
Président de l'Etat  
Présidence de la République  
El Mouradia  
Alger  
Algérie

**Telegrams: Président Zéroual, Alger, Algérie**

**Telexes: 66044/66088**

**Faxes: + 213 2 60 96 18/66044/66088**

**Salutation: Monsieur le Président/Your Excellency**

##### 2) Minister of Justice

M. Mohamed ADAMI  
Ministre de la Justice  
Ministère de la Justice  
8 Place Bir Hakem  
El-Biar  
Alger  
Algérie

**Telegrams: Ministre Adami, Alger, Algérie**

**Telexes: 61498**

**Faxes: + 213 2 796557**

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

**PLEASE ALSO SEND COPIES OF YOUR APPEALS to the following Human Rights Organizations:**

Observatoire national des droits de l'homme  
Palais du Peuple  
Avenue F. Roosevelt  
Alger, Algérie  
**Faxes: + 213 2 601042**

Ligue algérienne des droits de l'homme  
40-42 Rue M'Hidi Larbi  
Place Emir Abdelkader  
Alger, Algérie

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 7 September 1995.