

EXTERNAL

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EXTRA 199/96

Fear of imminent refoulement

31 December 1996

DENMARK Rabah Hamana, Nassima Hamana and child, Algerian asylum-seekers

Rabah Hamana, Nassima Hamana and their newborn child face imminent and forcible return to Algeria where they would be at serious risk of detention, "disappearance", torture or extrajudicial execution.

Until November 1995, Rabah Hamana and his wife Nassima Hamana lived in the town of Lakhdariya. Nassima Hamana stated that in July 1995 she had to give up her job as a secretary at a court in Algiers when several of her colleagues were reportedly threatened and one colleague was killed by armed opposition groups. In September 1995 Rabah and Nassima Hamana were reportedly approached by members of the *Front Islamique du Salut* (Islamic Salvation Front), FIS, who threatened to kill them if they refused to give them a large sum of money.

Fearing possible reprisals by government forces, Rabah Hamana did not give in to these threats.

When in October 1995 the family was again threatened, Rabah and Nassima Hamana decided to leave their town and move to Algiers. Here they were told that FIS members had again visited their farm in Lakhdariya to announce that they had been condemned to death. The FIS members also allegedly used the former employment of Nassima Hamana at a court as justification for their condemnation to death. Following the increase in political violence in Algeria, Rabah Hamana and Nassima Hamana fled their country and applied for political asylum in Denmark in February 1996.

The asylum of Rabah Hamana, Nassima Hamana and their child was rejected by the Danish immigration service despite the serious danger they would find themselves in if they returned to Algeria. On 19 December an appeal to reconsider this decision was rejected by the *Flygtninge Naevnet* (Board of Refugees). Accordingly, they can be sent back at any time to Algeria.

BACKGROUND INFORMATION

Since the outbreak of the current political violence in 1992, tens of thousands of Algerians have been arbitrarily detained, ill-treated, "disappeared" and extrajudicially executed by the security forces and armed opposition groups. As violations and abuses by both government forces and armed opposition groups have continued to spread, an increasing number of civilians have found themselves caught in the spiral of violence, targeted by one side or the other, or by both. Many people who are threatened with death by armed opposition groups are unable to obtain any protection. Many fear that if they give in to these threats this could be interpreted by the authorities as an expression of support for such groups, thereby putting them at risk from the security forces.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English, Danish or your own language:

- urging the Danish authorities not to forcibly return Rabah Hamana, Nassima Hamana and their child to Algeria where they are at risk of arbitrary detention, torture, "disappearance" or extrajudicial execution;
- reminding the Danish authorities of Denmark'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:

Mr Poul Nyrup Rasmussen
Prime Minister
Christiansborg
Prins Jogens Gard 11
1218 Copenhagen, Denmark
Faxes: +45 33 11 16 65
Telegrams: Prime Minister, Copenhagen, Denmark
Telexes: 27027
Salutation: Dear Prime Minister

Mr Bjorn Westh
Minister of Justice
Slotsholmsgade 10
1216 Copenhagen K, Denmark
Faxes: +45 33 93 35 10
Telexes: 15530
Telegrams: Justice Minister, Copenhagen, Denmark
Salutation: Dear Minister

Mr Niels Helveg Petersen
Minister of Foreign Affairs
Asiatisk Plads 2
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Telexes: 31292
Telegrams: Foreign Minister, Copenhagen, Denmark
Salutation: Dear Minister

and to diplomatic representatives of Denmark accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 30 January 1997.