

EXTERNAL (for general distribution)

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PLEASE DRAW TO THE ATTENTION OF THE REFUGEE COORDINATOR IN YOUR SECTION

11 October 1993

Further information on UA 303/93 (MDE 28/14/93, 3 September 1993) - Fear of Expulsion

**ALGERIA: Ameur LEGRAIDI - Tunisian national
 Fathi OUERGHI - Tunisian national
and new name: Belhassen OUHICHI - Tunisian national**

Amnesty International has learned that the three men named above were handed over to the Tunisian authorities by the Algerian authorities on 8 July 1993.

The organization deplores their expulsion to Tunisia where they face torture and ill-treatment and imprisonment after unfair trials.

Furthermore, Amnesty International fears that other Tunisian asylum-seekers in Algeria are at serious risk of forcible return to Tunisia.

It is now clear that the original Urgent Action was issued eight weeks after the three had been forcibly expelled. However, even several weeks after the expulsions, in response to inquiries on behalf of Ameur Legraidi and Fathi Ouerghi, the Algerian authorities replied that the cases were under judicial investigation.

Ameur Legraidi and Fathi Ouerghi had been recognized as refugees in need of protection by the Office of the United Nations High Commissioner for Refugees (UNHCR) in Algiers. The third individual, Belhassen Ouhichi, was an asylum-seeker also.

Since his forcible return, Ameur Legraidi has been held in 9 Avril Prison in Tunis and allegedly tortured. He reportedly bears bruises and open wounds on his face and body and is too weak to stand. Belhassen Ouhichi and Fathi Ouerghi are believed to be held in the same prison. Amnesty International is pursuing inquiries with the Tunisian authorities concerning the welfare and legal status of all three.

About 15 other Tunisian asylum-seekers in Algeria, some of whom have been recognized by UNHCR as refugees, have gone into hiding as they justifiably fear forcible return to Tunisia. During the past two years, others, fearing for their safety, have left Algeria to seek refuge in other countries.

BACKGROUND INFORMATION

Under the international principle of *non-refoulement*, governments are obliged not to return any person to a country where he or she would be at risk of serious human rights violations. This principle is set out in the 1951 Convention relating to the Status of Refugees and reflected in several subsequent Human

Rights instruments such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); Algeria is a State Party to both these instruments. In particular, Article 3 of the CAT states: "No State Party shall expel, return (*refouler*) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture". In addition, Article 66 of the Algerian Constitution states: "Under no circumstances shall a political refugee, entitled by law to the right of asylum, be handed over or extradited".

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

- deploring the handing over of Ameer Legraidi, Fathi Ouerghi and Belhassen Ouhichi to the Tunisian authorities;
- stating that they face torture, ill-treatment and imprisonment after unfair trials in Tunisia and point to the reported torture of Ameer Legraidi;
- pointing out that their forcible return to Tunisia is in gross violation of international standards on refugee protection;
- expressing your serious concern that Tunisian asylum-seekers in Algeria, including those recognized as refugees by UNHCR, are evidently not being given protection by the Algerian authorities;
- urging that under no circumstances should any Tunisian asylum-seeker who would be at risk of serious human rights violations in Tunisia be forcibly returned to Tunisia;
- urging that all refugees be afforded effective and durable protection.

APPEALS TO:

Salutation for all: Votre Excellence/Your Excellency

1) Prime Minister and Member of the Haut Comité d'Etat

M. Redha MALEK

Chef du Gouvernement

Palais du Gouvernement

Alger, Algérie

telexes: 66217/66221

telegrams: Premier Ministre Malek, Alger, Algérie

2) Foreign Affairs Minister

M. Mohamed Salah DEMBRI

Ministre des Affaires étrangères

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El-Mouradia, Alger, Algérie

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telexes: 66241/66178/66243

telegrams: Ministre Dembri, Ministre des Affaires étrangères, Alger, Algérie

3) Minister of the Interior

M. Salim SAADI

Ministre de l'Intérieur

Ministère de l'Intérieur

Alger, Algérie

faxes: +213 2 61 88 02 or 213 2 64 57 93

telexes: 66341

telegrams: Ministre Saadi, Ministre de l'Intérieur, Alger, Algérie

4) Minister of Justice

M. Mohamed TEGUIA

Ministre de la Justice

Ministère de la Justice

8 rue de Khartoum

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telegrams: Ministre Tegua, Ministre de la Justice, Alger, Algérie

COPIES OF APPEALS 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 22 November.