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APPEAL CASE – ALGERIA TORTURE OF TAHAR FAÇOULI

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Torture to extract information

Tahar Façouli, a shopkeeper in his 30s living in the village of Surcouf, in the region of Ain Taya, near the Algerian capital, Algiers, was tortured in detention earlier this year by the Algerian security forces.

It is believed that Tahar Façouli was arrested and tortured to extract information about his contact with Rachid Mesli, an Algerian human rights lawyer living in exile in Switzerland.

Arrest and detention

Tahar Façouli was arrested in the village where he lives on around 10 April 2002 by plain-clothed agents believed to belong to Military Security. He was taken to a base near Algiers which was believed to have been the Military Security base of Ben Aknoun, where he was detained for around a week before being released.

Torture ordeal

According to witnesses who saw him immediately following his release, he bore traces of blows to his face and body. He had apparently been beaten on several occasions. Tahar Façouli was also reportedly kept in a bath of cold water for four consecutive days, during which time his body was physically restrained so that he was unable to lift anything other than his head above the level of the water.

Tahar Façouli is known to enjoy underwater fishing and it is believed that the relatively unusual punishment of keeping him in a bath of cold water for four days was devised by his torturers as a cruel reference to his hobby.

Military Security

Military Security, or *Sécurité militaire* in

French, is the name of a security service more formally known as the *Département de renseignement et sécurité* (DRS), Department of Information and Security. The service has repeatedly been associated with gross human rights violations, such as torture, extrajudicial executions and “disappearances”, during the current conflict. The authorities have however failed to investigate such allegations. Amnesty International has received reports indicating that dozens of the some 4,000 Algerians who have “disappeared” since 1993 were held at some point in secret detention at the military security base in Ben Aknoun. Many are believed to have been tortured there.

Human rights lawyer implicated

Rachid Mesli, the Algerian human rights lawyer with whom Tahar Façouli had been in contact, has remained active in campaigning against human rights violations by the Algerian authorities since moving to Switzerland in 2000 and has consequently attracted considerable attention from them.

One of Rachid Mesli’s most recent initiatives was seen in a particularly unfavourable light by the Algerian authorities. In 2001 Rachid Mesli submitted the high-profile cases of Abassi Madani and Ali Benhadj, the two leading figures of the banned Algerian Islamist party, the *Front islamique du salut* (FIS), Islamic Salvation Front, to the UN Working Group on Arbitrary Detention in Geneva. The two men were arrested in June 1991 and sentenced to 12 years in prison for “undermining state security” following a trial in a military court in 1992. Abassi Madani was released in 1997, but soon afterwards placed under house arrest, where he remains to this day. Ali Benhadj is still being held in solitary confinement in the Military

Prison of Blida.

The Working Group on Arbitrary Detention ruled in December 2001 that both men were being detained arbitrarily by the Algerian authorities on the basis that the 1992 trial did not comply with international fair trial standards.

Before the ruling, the Algerian authorities informed the Working Group on Arbitrary Detention in writing that it was “outraged” that the body had even raised the cases with them.

Around the time of Tahar Façouli’s arrest Rachid Mesli was himself charged in his absence by the Algerian authorities with belonging to an “armed terrorist group” operating abroad, after two men arrested in March 2002 were allegedly forced under torture by the Algerian security forces into making statements in which they “confessed” to having links with him, on the one hand, and, on the other, an armed group.¹ An international arrest warrant for Rachid Mesli was issued and news of this was published widely in the Algerian and international press.

Rachid Mesli worked with great courage throughout the most difficult years of the current internal conflict in Algeria as a human rights lawyer, despite repeated harassment and intimidation from the Algerian authorities on account of his work defending victims of human rights violations by the state. In particular, he spent three years in jail after being sentenced in a grossly unfair trial on the vaguely worded charge of “encouraging terrorism”. The use of such vaguely worded charges related to “terrorism” has led to the imprisonment of hundreds of Algerians for activities not normally considered to be unlawful, such as for the peaceful exercise of their right to freedom of expression. He was adopted by Amnesty International as a prisoner of conscience.

¹ For more information, see Amnesty International’s appeal case of 14 November 2002 entitled *Appeal Case – Algeria: Torture of Brahim Ladada and Abdelkrim Khider* (AI Index: MDE 28/020/2002)

In 2000, a year after his release, he left the country, fearing for his safety and that of his wife and young children, and sought refuge in Switzerland.

Torture in Algeria

Although the number of reported cases of torture decreased markedly in Algeria around three years ago, as fewer political arrests were made, Amnesty International has since then continued to receive accounts from dozens of people who have been subjected to torture or ill-treatment in custody. Many were arrested on suspicion of being linked to armed groups or of being involved in anti-government protests. Human rights lawyers inside the country believe that reported cases of torture may represent only the tip of the iceberg since many victims of torture never talk about their cases, fearing that reporting violations will only exacerbate their predicament or expose family members to reprisals from the authorities. It is during secret detention that detainees are most at risk of being subjected to torture, ill-treatment or “disappearance”.

What can you do?

You can write to the Algerian Minister of Justice, in Arabic, French, English or your own language:

- expressing concern at reports that Tahar Façouli was tortured in custody;
- asking that any allegations of torture or ill-treatment be investigated promptly and independently;
- urging the authorities to put in place, without delay, effective safeguards against the use of torture in detention.

Algerian Minister of Justice

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