

PUBLIC

AI Index: MDE 28/006/2006

03 April 2006

UA 76/06 **Fear of torture or ill-treatment**

ALGERIA **M'hamed Benyamina (m), aged 34**
Mourad Ikhlef (m), aged 38

M'hamed Benyamina and Mourad Ikhlef were arrested on 2 and 3 April 2006 by officers of the Department of Information and Security (Département du renseignement et de la sécurité, DRS), an internal intelligence agency. They are held at an undisclosed location in the capital, Algiers, and are at risk of torture or other ill-treatment. Both men had previously been detained for alleged "terrorist" offences and released in March.

M'hamed Benyamina was reportedly arrested at 6pm on 2 April by three plain-clothes security officers while with his family at their home in the town of Tiaret, western Algeria. He was taken to barracks operated by the DRS in Tiaret, where he was detained overnight. His brother went to the barracks that evening to ask about the reason for his arrest, and was reportedly told by DRS officers that M'hamed Benyamina needed to be questioned and that he would be released in the morning. M'hamed Benyamina's brother said that he began waiting for his brother outside the barracks at 7am on 3 April. He reported that he saw an unmarked van with an Algiers licence plate enter and leave the barracks around 11am and was then told by security officers that M'hamed Benyamina had been transferred to Algiers.

M'hamed Benyamina, an Algerian national and a father of four, had been living in France since 1997. In September 2005, he was arrested at Oran airport as he was about to return to France, after a month's stay in Algeria. At the time, he was told by the arresting officers that his arrest had been requested by French authorities. He was detained at an undisclosed location without charge or trial and without access to the outside world for five months. In February 2006 he was charged with "belonging to a terrorist group operating abroad" and "joining a terrorist group operating in Algeria". In March, all judicial proceedings against him in Algeria were ended following a presidential decree which led to the release of hundreds of detainees.

According to media reports, M'hamed Benyamina is now wanted by judicial authorities in France in connection with alleged plans to commit violent attacks on targets in France. Several others have been arrested in France since the end of September 2005, on suspicion of involvement in these plans. According to reports in the French press, the arrests were connected to information given by M'hamed Benyamina while he was held in secret detention in Algeria.

Mourad Ikhlef was arrested at his home in the El Harrach district of Algiers at about 1am on 3 April. He was arrested by some 10 plain-clothes security officers who were accompanied by uniformed police officers. The family of Mourad Ikhlef was not given any information as to the reason for the arrest.

Mourad Ikhlef had previously been arrested after being forcibly returned from Canada to Algeria on 28 February 2003. He had been detained in Canada and deported on account of his alleged links with Ahmed Ressam, an Algerian convicted of trying to enter the USA with explosives in December 1999 and planning to carry out a bomb attack at Los Angeles airport. In Algeria, Mourad Ikhlef was held in secret detention at DRS barracks for 10 days. He was later convicted in an unfair trial of "membership of a terrorist group operating abroad aiming to harm the interests of Algeria" and sentenced to seven years' imprisonment. He was released on 26 March 2006 and judicial proceedings against him in another case were ended following the presidential decree.

BACKGROUND INFORMATION

Detainees may be held without charge for a maximum of 12 days, under Article 51 of the Algerian Criminal Procedures Code. The arresting authorities must immediately give them the opportunity to communicate with their families and to receive visits from them. The provisions of this law are routinely violated in cases of terrorist suspects arrested or detained by the DRS. Those arrested are systematically held in secret for up to 12 days, or sometimes longer, until they are either brought before the judicial authorities or released without charge. It is while they are in secret detention in centres operated by the DRS that detainees are most at risk of torture and other ill-treatment. Algeria's civil authorities appear to exercise little or no control over the activities of the DRS. Judicial authorities routinely overlook allegations of abuse by the DRS, so that its officers enjoy effective impunity.

In March 2006, hundreds of individuals imprisoned or detained for alleged involvement in terrorist activities were released on the basis of a presidential decree on the implementation of the Charter for Peace and National Reconciliation of 27 February 2006. The decree provides that those imprisoned or detained in connection with terrorist offences may be granted amnesty or exemption from prosecution, provided that they had not been charged with, or convicted of, "collective massacres, rape, or the use of explosives in public places".

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

- expressing concern for the safety of M'hamed Benyamina and Mourad Ikhlef, who were arrested on 2 and 3 April 2006 respectively;
- expressing concern that they are detained at an undisclosed location and that their families are not able to communicate with them, in violation of Article 51 of the Algerian Penal Procedures Code;
- urging the authorities to ensure that they are treated humanely in custody, and protected from torture and other ill-treatment;
- calling on the authorities to tell their families where they are detained and why, and to ensure that they can communicate with them and are given any medical attention they may require;
- calling on the authorities to release them unless they are charged with a recognizably criminal offence.

APPEALS TO:

Interior Minister

His Excellency Nouredine Yazid Zerhouni
Ministre de l'Intérieur
Ministère de l'Intérieur et des Collectivités Locales
Palais du Gouvernement, 18 rue Docteur Saâdane, Alger, Algeria
Fax: + 213 21 605210 / 736106
Salutation: Your Excellency/Excellence

Justice Minister

His Excellency Tayeb Belaiz
Ministre de la Justice
Ministère de la Justice
8 Place Bir Hakem, 16030 El Bihar, Alger, Algeria
Fax: + 213 21 922956 / 921701 / 925557
Salutation: Your Excellency/Excellence

COPIES TO:

Official human rights body, reporting to president

Commission nationale consultative de promotion et de protection des droits de l'Homme
M. Mustapha Farouk Ksentinin (Président)
Palais du Peuple, Avenue Franklin Roosevelt, Alger, Algeria
Fax: + 213 21 239037 / 239005

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 15 May 2006.