

**PUBLIC**

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**6 August 2007**

**UA 201/07**

**Fear of forcible return/Fear for safety/Fear of torture**

**USA**

**Ahmed Belbacha (m), former UK resident of Algerian origin, aged 38**

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Ahmed Belbacha and other Algerian nationals held in US custody in Guantánamo may be in imminent danger of forcible return to Algeria.

Amnesty International has received information that the US authorities are intending to forcibly repatriate four or five Algerian detainees from the US Naval Base in Guantánamo Bay to Algeria. One of these detainees is reported to be Ahmed Belbacha, a former UK resident of Algerian origin who has been cleared for release from Guantánamo after being found to "pose no threat" to the US or its allies. Amnesty International does not know the identity of the other detainees.

The US authorities were reported to be intending to transfer the detainees on 6 August. The government is now reported to have indicated that Ahmed Belbacha will not be transferred for another week. Amnesty International has no further information about the other detainees.

Ahmed Belbacha previously lived in the UK city of Bournemouth, where he sought asylum on the grounds that in Algeria he had faced persecution by both the government and an armed opposition group.

His safety in the event of his return to Algeria has been further jeopardized by the US government's labelling of him as an "enemy combatant" and the stigma that attaches to Guantánamo detainees, whom the US authorities have collectively and repeatedly labelled "terrorists". He has been held in US custody without charge or trial for more than five years.

Anyone suspected of involvement in terrorist activities, or who is believed to possess information about terrorist activities in Algeria or abroad, faces a real risk of secret detention and torture at the hands of Algerian military intelligence agency the Department for Information and Security (*Département du renseignement et de la sécurité*, DRS). Amnesty International has received dozens of reports of detainees treated in this way, among them people who had returned to Algeria from overseas, either voluntarily or at the hands of foreign governments

A US federal judge indicated that she would likely have granted an order barring Ahmed Belbacha's forcible return to Algeria, based on evidence presented by his lawyers of the risk to his safety if he were to be returned. However, under the Military Commissions Act signed into law by President Bush in October 2006 stripping the US courts of jurisdiction to hear *habeas corpus* petitions or other legal actions filed on behalf of foreign nationals held in US custody as "enemy combatants", the judge decided that she lacked the authority to prevent his forcible return.

In 2006, the UN Human Rights Committee urged the USA to "take all necessary measures" to ensure that it transferred no-one to another country "if there are substantial reasons for believing that they would be in danger of being subjected to torture or cruel, inhuman or degrading treatment or punishment." In its report to the UN Committee Against Torture in 2006, the USA stated that it does not transfer persons to countries where it believes it is "more likely than not that they will be tortured", a lesser standard than international law requires. The USA, the report continued, "obtains assurances, as appropriate, from the foreign government to which a detainee is transferred that it will not torture the individual being transferred". Amnesty International opposes reliance on "diplomatic assurances" as a basis for sending anyone to countries where they would otherwise be considered at risk of torture or other ill-treatment. Such assurances are unreliable and unenforceable. Amnesty International understands that the US authorities have been attempting to

obtain assurances from the Algerian authorities about the treatment of returnees, but the organization does not know what assurances, if any, it has obtained. In early July, Algerian Foreign Minister Mourad Medelci expressed strong reservations about the US government's proposed conditions for handing over Algerian detainees held in Guantánamo. In any event, Amnesty International reiterates that any assurances that are obtained must not be relied upon for any such detainee transfers.

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

- calling on the US authorities not to forcibly return to Algeria Ahmed Belbacha or any other Algerian nationals held in Guantánamo;
- expressing concern that Ahmed Belbacha's safety would be at serious risk if he was returned to Algeria;
- noting that diplomatic assurances are inherently unreliable and unenforceable, and should not be relied upon by the US authorities in such cases.

**APPEALS TO:**

The Honorable Condoleezza Rice  
Secretary of State,  
Department of State, 2201 C Street, N.W., Washington DC 20520, USA  
**Fax:** +1 202 261 8577  
**E-mail:** [Secretary@state.gov](mailto:Secretary@state.gov)  
**Salutation:** Dear Secretary of State

The Honorable Robert Gates,  
Secretary of Defense,  
1000 Defense Pentagon, Washington DC 20301, USA  
**Fax:** +1 703 697 8339  
**Salutation:** Dear Secretary of Defense

**If possible, please also contact the UK authorities:**

- urging them to act urgently on behalf of former UK resident Ahmed Belbacha whose safety will be at serious risk if the US authorities forcibly transfer him to Algeria, as they reportedly plan to do imminently;
- noting that he has been cleared for release from Guantánamo by the US authorities and that there are no charges against him;
- welcoming the fact that UK resident Bisher al-Rawi was returned to the UK earlier this year;
- urging the UK authorities to make clear to the USA that they have no objection to the return of Ahmed Belbacha to the United Kingdom.
- urging the UK authorities to allow Ahmed Belbacha to return to the United Kingdom.

Rt. Hon. Jacqui Smith MP  
Home Secretary, The Home Office,  
50 Queen Anne's Gate, London, SW1 9AT, UK  
**Fax:** +44 20 7219 4815  
**Email:** [smithjj@parliament.uk](mailto:smithjj@parliament.uk)  
**Salutation:** Dear Home Secretary

Rt. Hon. David Miliband MP  
Foreign Secretary, Foreign and Commonwealth Office,  
King Charles St, London SW1A 2AH, UK  
**Email:** [milibandd@parliament.uk](mailto:milibandd@parliament.uk)  
**Salutation:** Dear Foreign Secretary

**COPIES TO:** diplomatic representatives of the USA accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 17 September 2007.