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Algeria

Torture in the "War on Terror"

A memorandum to the Algerian President

AI Index: MDE 28/008/2006

The attached memorandum addressed to Algerian President Abdelaziz Bouteflika describes Amnesty International's concerns in relation to continuing reports of secret detention and torture of terrorist suspects in Algeria. It makes recommendations to address these concerns and invites the Algerian authorities to provide information on any investigations that have taken place in respect of 12 specific cases of alleged secret detention and torture and other ill-treatment that have been reported to Amnesty International since 2002.

Recognizing that ending torture and other ill-treatment is first and foremost a question of political will, Amnesty International is addressing its concerns to the Algerian President as the highest representative of the Algerian state. The president also acts as the Minister of Defence, in which capacity he oversees the Department for Information and Security (Département du renseignement et de la sécurité, DRS), the military intelligence service most often cited in reports of torture and ill-treatment of detainees. Amnesty International is calling on President Bouteflika to take concrete steps to end secret detention, torture and other ill-treatment, and to ensure that safeguards under Algerian and international law which should protect detainees from such violations are enforced.

Amnesty International has previously drawn its concerns to the attention of the Algerian authorities on a number of occasions, including during a visit to Algeria by Amnesty International representatives in May 2005. Some of the concerns are long-standing ones which have been documented in Amnesty International reports, but others relate to findings made during the organization's May 2005 visit¹ and to information received since then from victims and their families as well as from lawyers and human rights organizations in Algeria.

The Algerian authorities have been engaged in counter-terrorism measures for well over a decade and during the 1990s were widely criticised for human rights violations committed during the internal conflict which then beset the country. Recently, however, although the legacy of those years still remains largely to be addressed, Algeria has become a prime ally of the United States (US) and other governments preoccupied with the so-called War on Terror.

¹ *Algeria: initial report of an Amnesty International delegation's visit to Algeria, 6 - 25 May 2005* (AI Index: MDE 28/008/2005).

In this context, the cases and concerns raised in this memorandum are particularly relevant and it is for this reason that Amnesty International is publishing this information now. The organization will publish a more comprehensive report in the coming months in which, among other things, it will reflect any response to the present memorandum that it receives from the Algerian authorities.

Algeria is emerging from over a decade of violence in which as many as 200,000 people are reported to have been killed. Massive human rights abuses were committed during the conflict by armed groups, security forces and state-armed militias, with Algerian civilians the principal victims, yet the vast majority of these abuses have not been investigated by the Algerian authorities. Torture and ill-treatment became systematic as legal and other safeguards intended to prevent these abuses were eroded in the name of counter-terrorism.

The level of violence has decreased continuously in recent years, although some 400 killings were reported in 2005 as a result of continuing violence. Fewer arrests have been reported, and there has been some progress on strengthening safeguards to protect detainees in custody. Although ill-treatment continues to be common, torture in the custody of police and gendarmerie has been reported less frequently.

Despite these improvements, torture and other ill-treatment remain both systematic and widespread in cases of arrests linked to alleged terrorist activity. Many of these arrests are carried out by the DRS and, while fewer than during the height of the violence of former years, the DRS remains formidably powerful. People detained by the DRS are systematically held in secret detention and denied any contact with the outside world, often for prolonged periods – in conditions which facilitate torture and other ill-treatment. As military personnel, officers of the DRS operate under the authority of the senior army command and Algeria's president in his role as Minister of Defence.

Amnesty International recognizes that states have a right and a duty to protect persons under their jurisdiction from terrorist acts. However, they must do so in full accordance with international law. Several resolutions of UN bodies, including the Commission on Human Rights, the General Assembly and the Security Council have affirmed this principle.

Recent measures taken by the Algerian authorities with the stated intention of consolidating "national reconciliation" have not addressed the problem of torture. In February 2006, new laws were introduced to exempt from prosecution or release under an amnesty those convicted of or detained on charges of alleged terrorist activity, and to extend comprehensive, impunity to members of the security forces responsible for human rights violations. The measures were based on a framework document, the Charter for Peace and National Reconciliation, which had been adopted by national referendum in September 2005. According to government statements, some 2,000 people have been released from detention in accordance with the laws for "national reconciliation". These include terrorist suspects who had been held in secret detention and were reportedly tortured or otherwise ill-treated, some of whose cases are described in the attached memorandum.

Some foreign governments have argued that the measures for "national reconciliation" have eliminated the risk that Algerians suspected of terrorist activity either abroad or in Algeria

would be arrested and tortured in Algeria. At least one has been negotiating an agreement under which Algerian nationals considered a threat to national security could be forcibly returned to Algeria on the basis of diplomatic assurances that they would not be tortured or subject to other human rights violations. Such bilateral agreements between governments, however, have less standing under international law than the international treaties prohibiting torture to which Algeria is a state party but has consistently breached. Amnesty International has fundamental concerns about the use of diplomatic assurances or diplomatic contacts in returning unwanted foreign nationals.² In the case of Algeria, however, Amnesty International is additionally concerned that the civilian authorities, in practice, exercise no control over the conduct and activities of the DRS. In light of this, Amnesty International considers that anyone returned under such an agreement will remain at risk of torture and other ill-treatment, regardless of any assurances given by the civilian authorities.

Amnesty International is also concerned that the measures of “national reconciliation,” by failing to address the gross human rights abuses of the past, may further entrench the use of torture in Algeria. By extending an unconditional amnesty to members of the security forces who committed crimes under international law and barring Algerian courts from considering complaints against them, the February 2006 laws have effectively signalled to the perpetrators of torture and other ill-treatment of prisoners that they can act with impunity. Further, the laws make it a criminal offence punishable by up to 10 years of imprisonment even to criticise publicly the conduct of the security forces, and they include no effective safeguards against secret detention and torture.³

Amnesty International commented on other aspects of the February 2006 amnesty laws at the beginning of March in a joint statement with other international human rights organizations.⁴ The present memorandum, therefore, focuses on those aspects of the laws which relate to the organization’s concerns about secret detentions, torture and ill-treatment of alleged terrorist suspects. As the Algerian authorities seek to restore peace after over a decade of violence, Amnesty International is calling for immediate action to address the continuing use of torture and is urging the government to institute safeguards to protect detainees from abuse. The international prohibition on torture is universal and absolute, and no security threat can justify its use. Amnesty International believes that neither justice nor security are served effectively if detainees are deprived of their basic rights and if the government turns a blind eye to torture.

² *UK/Middle East and North Africa: Memorandums of Understanding and NGO Monitoring: a challenge to fundamental human rights*, January 2006, (AI Index: POL 30/002/2006).

³ Amnesty International has repeatedly issued recommendations to the Algerian authorities to end secret detention and torture, see for example the report *Algeria: Steps towards change or empty promises?* (AI Index: MDE 28/005/2003).

⁴ *Algeria: New Amnesty Law Will Ensure Atrocities Go Unpunished*, 1 March 2006, AI Index: MDE 28/005/2006.

Memorandum from Amnesty International
to President Abdelaziz Bouteflika
**Torture and other human rights violations
by the Department for Information and Security
in Algeria**

13 April 2006
Ref.: TG MDE 28/06.02

Amnesty International's concerns

Amnesty International is concerned about a range of human rights violations, including torture and other ill-treatment, committed by the Department for Information and Security (Département du renseignement et de la sécurité, DRS), in recent years. These concerns are based, among other information, on the analysis of some 45 cases of alleged secret detention, torture and other ill-treatment of terrorist suspects since 2002. Twelve of these cases are highlighted in detail in this memorandum.

Amnesty International is specifically concerned about breaches of the Algerian Criminal Procedures Code and international human rights law and standards in relation to arrest procedures, *garde à vue* detention, and the treatment of detainees, as well as the failure of the judicial authorities to investigate such breaches, resulting in additional violations of fair trial guarantees.

Most of the concerns detailed below have been raised by Amnesty International delegates during a meeting held on 24 May 2005 with representatives of the Ministry of Justice. Ministry of Justice officials did not provide substantial answers to many of the questions Amnesty International raised. In some cases, officials promised to transmit concerns to the Ministry of the Interior or the Ministry of Defence. In other cases, Amnesty International received assurances that the answers would be provided in writing at a later stage. By the end of March 2006, Amnesty International had not received any information from the Ministry of Justice, or any other state institution.

During its visit to Algeria in May 2005 Amnesty International had also requested to meet with representatives of the Ministry of the Interior and the Ministry of Defence, but received no response to its requests.

1. Arrest procedures

Grounds and procedures for arrests

In most of the 12 cases detailed below, arrests were reportedly carried out by plain clothes officers of the DRS who did not identify themselves and used vehicles not marked as belonging to the security forces. They did not inform the suspects of the reasons for their arrest.

There is no explicit requirement under Algerian law for arresting officers to identify themselves, or inform an individual of the reasons for the arrest.

However, Algerian law is not in line with international law. The International Covenant on Civil and Political Rights (ICCPR), to which Algeria is a state party, states in Article 9(2): “Anyone who is arrested shall be informed, at the time of the arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.”

Principle 12 of the Body of Principles for the Protection of all Persons Under Any Form of Detention or Imprisonment (hereafter: Body of Principles), adopted by the UN General Assembly in 1998, provides that detainees should be informed, among other things, of the reasons for the arrest and the identity of the arresting officers:

1. There shall be duly recorded:
 - (a) The reasons for the arrest; (b) The time of the arrest and the taking of the arrested person to a place of custody as well as that of his first appearance before a judicial or other authority;
 - (c) The identity of the law enforcement officials concerned;
 - (d) Precise information concerning the place of custody.
2. Such records shall be communicated to the detained person, or his counsel, if any, in the form prescribed by law.

Notifying detainees of their rights

In all cases, detainees were not informed of their right immediately to communicate with their families and to a medical examination. The families of those arrested seem not to have been informed of the detention and whereabouts of the detainees and not been able to communicate with them or to visit them.

According to Article 51 *bis* of the Criminal Procedures Code, the arresting officers have to inform anyone who is taken into detention of their rights during *garde à vue*. Article 51 *bis* 1 of the Criminal Procedures Code, as introduced in 2001, provides that those held in *garde à vue* detention must immediately be given the means to communicate with their family and to receive visits.

Principle 13 of the Body of Principles states:

Any person shall, at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for his arrest, detention or imprisonment, respectively with information on and an explanation of his rights and how to avail himself of such rights.

Principle 16(1) of the Body of Principles states:

Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody.

Notification to the public prosecutor

Families and lawyers who contacted the judicial authorities while individuals were held by the DRS say that they have been unable to receive official confirmation that the individuals had been taken into detention. They also report that they did not receive any information from the judicial authorities as to the reasons why the arrests had been carried out and where the person was being detained.

This suggests that the judicial authorities are not kept informed of the arrests carried out by the DRS, as required by law. Article 51 of the Criminal Procedures Code stipulates that, whenever a person is taken into *garde à vue* detention, the officer of the judicial police has to immediately inform the public prosecutor and provide him with a report on the reasons for the detention.

International standards, such as Article 9(1) ICCPR, provide that arrests may only be carried out “on such grounds and in accordance with such procedures as are established by law”. Principle 2 of the Body of Principles stipulates: “Arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose.”

Holding persons without acknowledging their whereabouts is in violation of Article 10 of the Declaration on the Protection of all Persons from Enforced Disappearance, which states:

1. Any person deprived of liberty shall be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention.
2. Accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned.

Role of the DRS

A large number of individuals arrested on suspicion of alleged terrorist activity appear to be either directly arrested by the DRS, or transferred to the custody of the DRS within the first

few days of detention and later brought before the court of Algiers. Amnesty International has requested information from the Ministry of Justice to clarify the role of the DRS in the arrest and detention of terrorist suspects. During a meeting held in 2005, Ministry of Justice officials informed Amnesty International that the vast majority of terrorism-related cases were handled by the police and that any court could handle such cases, but Amnesty International's findings contradict this assertion. Amnesty International would welcome clarification of the role of the DRS in investigating alleged terrorist offences.

Recommendations

Amnesty International calls on the Algerian authorities to take the following measures to prevent arbitrary arrests:

- ensure that officials carrying out arrests identify themselves to the person arrested, that they wear name tags or numbers so that they can be clearly identified and that police and military vehicles be distinguishable as such;
- enact legislation to ensure that all officers carrying out arrests identify themselves to those arrested and that they notify them of the reasons for the arrest;
- ensure that all officers investigating terrorist offences, including officers of the DRS, comply fully with safeguards under Algerian law which protect detainees from arbitrary arrest, in particular the obligation to notify detainees of their rights during detention, and immediately to inform prosecutors of arrests and of the reasons for the arrests without delay.

2. Garde à vue detention

Time limits

In eight of the 12 cases detailed below, detainees have been held beyond the period of 12 days, defined in Article 51 of the Criminal Procedures Code as the legal limit for *garde à vue* detention in cases related to “terrorist or subversive acts”. In five cases, the duration of the legal limit was exceeded by several months, and in one case by two years and 34 days.

This would be a gross breach of the legal limits of *garde à vue* and constitute arbitrary detention, as punishable under Algerian law in accordance with Article 51 of the Criminal Procedures Code and Articles 107 and 291 of the Penal Code.

In light of international standards, the legal limit of 12 days is already an excessive period of detention before suspects are charged and brought before a judge, or released. The 12-day limit contravenes, for instance, the International Covenant on Civil and Political Rights. Article 9(3) of the ICCPR states that anyone arrested on a criminal charge should be brought “promptly” before judicial authorities. Article 9(4) guarantees the right of anyone “who is deprived of his liberty by arrest or detention... to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful”. The UN Human Rights Committee has specified that

delays in bringing anyone arrested or detained before a judge or other officer authorized by law to exercise judicial power must not exceed a few days.⁵ The Special Rapporteur on Torture states that “those legally arrested should not be held in facilities under the control of their interrogators or investigators for more than the time required by law to obtain a judicial warrant of pre-trial detention which, in any case, should not exceed a period of 48 hours.”⁶

Unacknowledged detention

In two of the cases detailed below, the arrest date recorded on the official documents issued by the judicial police appears to have been falsified by one and two days respectively, to disguise the fact that detainees were held beyond the legal limit of *garde à vue* detention.

In four of the below cases, where detention significantly exceeded the legal limit of *garde à vue*, detainees were formally placed under control orders by the Ministry of the Interior, requiring them to remain at a specified address. The orders were issued after the individuals had been arrested and detained by the DRS.

As an alternative to imprisonment or detention, these control orders are measures requiring an individual to remain at a fixed a place of residence. However, the orders only state that the individual is not allowed to leave the confines of the province of Algiers, without specifying the address of residence or the duration of the measure. Considering that in all cases the individuals were already being detained in barracks of the military intelligence service, Amnesty International fears that the measure is used to conceal breaches of Algerian law by the DRS.

The orders are issued with reference to special powers attributed to the Minister of the Interior in the context of the state of emergency, in force since 1992. Article 6.4 of the decree on the state of emergency (Presidential Decree No. 92/44 of 9 February 1992) empowers the Minister of the Interior to place individuals under control orders requiring them to remain at a fixed address, if their activities are considered to be “harmful to public order” [nuisible à l’ordre public]. No detail concerning the practical application of this provision is provided in the decree.

Amnesty International considers that these sweeping powers, without the possibility of judicial review, contravene guarantees under Algerian law for protection from arbitrary detention and undermine the right to liberty as enshrined in Article 9(1) of the ICCPR which prohibits arbitrary arrest or detention. Further, the UN Working Group on Arbitrary Detention has stated that “the use of ‘administrative detention’ under public security legislation, migration laws or other related administrative law, resulting in a deprivation of liberty for unlimited time or for very long periods without effective judicial oversight, as a means to detain persons suspected of involvement in terrorism or other crimes, is not compatible with international human rights law.”⁷

⁵ Human Rights Committee, General Comment No. 8, para. 2. UN Document HRI/GEN/1/Rev.5.

⁶ See Report of the Special Rapporteur on Torture, E/CN.4/2003/68, para. 26(g).

⁷ Report of the Working Group on Arbitrary Detention, E/CN.4/2005/6, para. 77.

Amnesty International is concerned that the legislation on the state of emergency, which should be a temporary measure, was extended in 1993 and has not been reviewed since. Article 4 of the ICCPR allows for the declaration of a state of emergency during “public emergency which threatens the life of the nation”. However, the Human Rights Committee has stated that “A fundamental requirement for any measures ... as set forth in article 4, paragraph 1, is that such measures are limited to the extent strictly required by the exigencies of the situation. This requirement relates to the duration, geographical coverage and material scope of the state of emergency and any measures of derogation resorted to because of the emergency.”⁸ It is therefore essential that states of emergency are limited, and that measures taken are proportionate to the exigency of the situation.⁹ The Human Rights Committee has further specified “The prohibitions against [...] unacknowledged detention are not subject to derogation. The absolute nature of these prohibitions, even in times of emergency, is justified by their status as norms of general international law.”¹⁰

Incommunicado detention

In all cases, detainees were reportedly held by the DRS without contact to the outside world. During this time they were reportedly denied contact with their families and access to legal counsel and medical care, even when the legal limit of *garde à vue* was significantly exceeded.

The right to communicating with families and receiving visits from them, as well as the right to a medical examination at the end of the legal limit of *garde à vue*, is guaranteed under Article 51 *bis* 1 of the Criminal Procedures Code. However, Algerian law does not grant detainees access to lawyers during *garde à vue* detention.

The UN Human Rights Committee, in its General Comment 20 on Article 7 of the ICCPR, has stated:

The protection of the detainee ... requires that prompt and regular access be given to doctors and lawyers and, under appropriate supervision when the investigation so requires, to family members.

The UN Commission on Human Rights has recently reiterated that “prolonged incommunicado detention or detention in secret places may facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment”.¹¹

The UN Special Rapporteur on Torture emphasized that immediate access to the outside world is essential for preventing torture. He has repeatedly called for a total ban on incommunicado detention where detainees are most at risk of torture, stating that

⁸ Human Rights Committee, General Comment number 29: States of Emergency, CCPR/C/21/Rev.1/Add.11, August 2001, para. 4.

⁹ *Ibid.*

¹⁰ *Ibid.*, para. 13(b).

¹¹ Resolution 2005/39, 19 April 2005, para. 9.

“Incommunicado detention should be made illegal and persons held in incommunicado detention should be released without delay.”¹²

The Special Rapporteur has also called for legal provisions to ensure that detainees be given access to legal counsel within 24 hours.¹³ Principle 7 of the Basic Principles on the Role of Lawyers provides that “all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention.” Such guarantees are not currently provided for under Algerian law, which allows for the detention of terrorism suspects without access to legal counsel for up to 12 days.

Access to lawyers at the end of garde à vue

Most terrorist suspects do not appear to be assisted by a lawyer when they are brought before an examining judge for the first time. In at least eight of the attached 12 cases no lawyer was present during the first hearing with the examining judge. Several detainees reported that they were not informed by the judge of their right to be assisted by a lawyer of their own choosing. Some detainees said they were asked if they agreed to make their statement without a lawyer, but that they feared that, if they insisted on having a lawyer present, they might be taken back to the barracks. In one case, defence lawyers were apparently prevented by a judge and a court official from attending the hearing.

This practice would violate the provisions of Algerian law. Article 100 of the Criminal Procedures Code enshrines the rights of detainees when they are first brought before a judge, including the right to legal counsel and the right not to make a statement. The article also sets out the duty of the judge to inform the detainees of these rights. Article 105 of the Criminal Procedures Code provides that court hearings cannot take place without the detainees’ lawyer, unless they make an express declaration that they do not wish to be represented by a lawyer. In no case brought to the attention of Amnesty International did the absence of a lawyer result in the records of the hearing being annulled, as provided for by Article 157 of the Criminal Procedures Code.

The right to legal counsel is one of the key safeguards for a fair trial under international law. The right of detainees to be assisted by a lawyer when charged is enshrined in the Basic Principles on the Role of Lawyers. Principles 5 and 6 state:

5. Governments shall ensure that all persons are immediately informed by the competent authority of their right to be assisted by a lawyer of their own choice upon arrest or detention or when charged with a criminal offence.

6. Any such persons who do not have a lawyer shall, in all cases in which the interests of justice so require, be entitled to have a lawyer of experience and competence commensurate with the nature of the offence assigned to them in order to provide

¹² Report of the UN Special Rapporteur on Torture to the UN General Assembly, in UN Document A/56/156, July 2001, para. 39.

¹³ Ibid.

effective legal assistance, without payment by them if they lack sufficient means to pay for such services.

Recommendations

Amnesty International calls on the Algerian authorities to:

- end arbitrary and secret detention of terrorist suspects;
- end incommunicado detention of terrorist suspects and ensure that the right of detainees to communicate with the outside world, including their family, and to receive visits, is enforced;
- introduce new safeguards to allow detainees to be examined by an independent doctor as soon as they are arrested, and after each period of questioning;
- reform legislation so that all detainees, including those arrested on suspicion of terrorist crimes, are given access to legal counsel within 24 hours of detention and are not held in facilities under the control of their interrogators or investigators for more than 48 hours;
- ensure that terrorist suspects are granted their right to legal counsel when they are brought before a judge.

3. Detention facilities

Secret detention

Detainees appear to have been held in facilities which are not officially recognized places of detention. All detainees reported having been held in barracks of the DRS, in the more recent cases the barracks of Antar. They are situated in Hydra, an outlying district of Algiers, in an area surrounded by forest, concealed from public view and not accessible to the public.

Detainees are transferred to the barracks in cars not marked as belonging to the security forces. In several cases, detainees reported having been forced by the arresting officers to lie or bend down during transfer to the barracks to conceal the place of detention from the detainees themselves. The same measures are reportedly again taken when detainees are transferred out of the barracks.

The place of detention is generally also concealed from the families of the detainees. In no case known to Amnesty International have the judicial authorities or officers belonging to the police or gendarmerie been able to direct families to the Antar barracks where their relatives were being held. Amnesty International is not aware of any family being able to visit a relative who was detained in barracks of the DRS.

Article 52 of the Criminal Procedures Code provides that all places of *garde à vue* detention can at any moment be inspected by the prosecutor to ensure that they satisfy the guarantees provided under Algerian law. According to Amnesty International's information, such visits

are never carried out to barracks of the DRS, which are used as detention facilities. During its meeting with Ministry of Justice officials in May 2005, Amnesty International was told that all detention facilities can be inspected by prosecutors in accordance with the provisions of the Criminal Procedures Code, including detention facilities used by the DRS. However, officials were unable to provide any concrete information to show that such visits had ever been carried out to DRS barracks, such as Antar or Ben Aknoun.

Amnesty International has repeatedly requested information from the Algerian authorities on all officially recognized places of detention. During its most recent mission it requested information from the Ministry of Justice as to which detention facilities are currently used by the DRS, but no such information has been received. Ministry of Justice officials stated that barracks are under the authority of the Ministry of Defence and agreed to transmit our concerns to that authority.

Amnesty International is concerned that the barracks are a secret place of detention where detainees are not able to enjoy the rights afforded to them under Algerian law during *garde à vue* detention.

According to international human rights standards, detention should only be allowed in officially recognized places of detention and should be prohibited elsewhere. Article 10 of the Declaration on the Protection of All Persons from Enforced Disappearances, adopted by the UN General Assembly in 1992, states: “Any person deprived of liberty shall be held in an officially recognized place of detention.”

The UN Special Rapporteur on Torture has stated:

The maintenance of secret places of detention should be abolished under law. It should be a punishable offence for any official to hold a person in a secret and/or unofficial place of detention. Any evidence obtained from a detainee in an unofficial place of detention and not confirmed by a detainee during interrogation at official locations should not be admitted as evidence in court.¹⁴

Conditions of detention

According to testimonies by former detainees at Antar, detention facilities at the barracks are poor and dirty; detainees are held in small, poorly ventilated cells without access to daylight; they are forced to sleep on concrete floors and allowed only very limited access to toilets and showers.

This would constitute a breach of Article 52 of the Criminal Procedures Code which provides that facilities for *garde à vue* detention should be appropriate to preserve human dignity during detention, reflecting the provisions of Article 10 of the ICCPR.

The Working Group on Arbitrary Detention has stated that conditions of detention not compatible with human dignity may violate the right to a fair trial. In its 2005 report to the Commission on Human Rights it stated that “pre-trial detention becomes arbitrary where the

¹⁴ UN Document A/56/156, July 2001, para. 39(d).

conditions are such as to create an incentive for self-incrimination, or – even worse – to make pre-trial detention a form of advance punishment in violation of the presumption of innocence”.¹⁵

Recommendations

Amnesty International calls on the Algerian authorities to:

- end secret detention of terrorist suspects in military barracks where they are at risk of torture and where detention conditions may in themselves constitute a form of cruel, inhuman and degrading treatment or punishment;
- ensure that all places where detainees are held are recognized and open to inspection by prosecutors and appropriate independent bodies;
- in the interests of transparency, publish up-to-date lists of all officially recognized places of detention in a form that is readily accessible to lawyers and members of the public.

4. Torture

Use of torture

In virtually all cases, detainees were reportedly tortured or otherwise ill-treated and later forced to sign confessions. The most frequently reported methods of torture include beatings, electric shocks, and the method known as *chiffon* in which the victim is tied down and forced to swallow large quantities of dirty water, urine or chemicals through a cloth placed in their mouth. Detainees have also reported being undressed and humiliated, being beaten on the soles of their feet (a method known as *falaka*), or being suspended by the arms from the ceiling for prolonged periods of time.

In several cases, detainees were allegedly forced to sign confessions under the threat of further torture, or even execution. Where detainees were subsequently tried, statements elicited under torture or other ill-treatment were used as principal and sometimes sole evidence in court to obtain convictions.

This practice would constitute a breach of Articles 110 *bis* and 263 of the Algerian Penal Code which make torture a crime punishable by up to 20 years' imprisonment. In addition, Article 215 prevents the use of interrogation reports as evidence in court, stating that these may be used for information only during court proceedings.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereafter: Convention against Torture), to which Algeria is a state party, prohibits torture and other ill-treatment at all times and in all circumstances. In addition, Article 15 states:

¹⁵ UN Document E/CN.4/2005/6, 1 December 2004, para. 70.

Each state party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Principle 27 of the Body of Principles states:

Non-compliance with these principles in obtaining evidence shall be taken into account in determining the admissibility of such evidence against a detained or imprisoned person.

Practice of declarations of good treatment

In five of the cases detailed below, detainees reported that, before leaving the barracks and being presented to the judicial authorities, they were forced to sign declarations that they had been treated well in detention and not been subject to torture or other ill-treatment. Such a procedure is not set out in Algerian law and officials at the Ministry of Justice told Amnesty International that they were unaware of such a practice. Amnesty International is concerned that such declarations may be used to cover up violations committed by DRS officers and to exert pressure on detainees who have been subjected to torture or other ill-treatment not to declare this in court.

Investigation of allegations of torture

In seven of the twelve cases detailed below, allegations of torture were made by detainees when they were presented to the examining judge. Despite the persistent nature of some of these allegations, the judges appear to have routinely dismissed the allegations, without ordering investigations. In some cases the examining judge is reported to have declared that he was not competent to order an investigation. In very few cases, the allegations were reflected with a brief and unspecific mention in the court documents. However, in no case did a judge order an examination by a forensic doctor to determine whether physical traces of torture or ill-treatment existed. In one case, where a detainee reportedly had clearly visible traces of torture when he was presented to the examining judge, the judge ordered a referral to a psychologist – not to a forensic doctor – , but the examination apparently did not take place.

If there are reasonable grounds to believe that torture or ill-treatment was inflicted during interrogation, the judge should ensure that a prompt and impartial investigation is initiated, in accordance with Articles 12, 13 and 16 of the Convention against Torture.

The lack of investigations into allegations of torture and ill-treatment in Algeria is a long-standing concern of Amnesty International. In October 2002 Amnesty International wrote to the Minister of Justice raising concerns about 12 individuals who had allegedly been tortured at the hands of the DRS, one of whom reportedly died under torture. No response was received in writing, but during a meeting held with Ministry of Justice officials in February 2003, Amnesty International was told that torture had not occurred and that no investigation had been opened, as no official complaint had been received.

The absence of a formal complaint does not represent a valid reason to justify the lack of investigations into allegations of torture or ill-treatment. Article 12 of the Convention against

Torture stipulates that states have a duty to investigate allegations of torture “wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction”. As the Special Rapporteur on Torture has specified,

Where allegations of torture or other forms of ill-treatment are raised by a defendant during trial, the burden of proof should shift to the prosecution to probe beyond reasonable doubt that the confession was not obtained by unlawful means, including torture and similar ill-treatment.¹⁶

Medical examinations

It appears that in none of the cases detailed below have detainees been granted access to medical examinations while they were held in *garde à vue* detention by the DRS. Nor in any of the cases of alleged torture were detainees examined by a forensic doctor at the end of their detention by the DRS. Where detainees expressly requested to be examined by a forensic doctor when they were presented to the judicial authorities, such requests have apparently been dismissed.

This would violate Articles 51 of the Criminal Procedures Code, as amended in 1990, which grants detainees the right to a medical examination by a doctor of their choosing at the end of the *garde à vue*, and to be informed of this right. Furthermore, Article 52 empowers the prosecutor to designate a doctor to conduct a medical examination at any point during *garde à vue* detention, either on his own initiative [d’office] or at the request of the family.

In February 2003, Amnesty International was informed by Ministry of Justice officials that, in the cases of torture raised by the organization in 2002, medical examinations had taken place at the end of *garde à vue* detention which would have proved that the individuals were unharmed. Amnesty International has not seen copies of these reports.

Amnesty International is concerned at reports that, in several cases where detainees were sent to the military hospital of Ain Naadja for medical treatment following torture, no record of torture-related injuries seems to have been recorded in medical reports. Given that the reason for hospitalisation was the torture or other ill-treatment allegedly sustained by the detainee it is surprising that this should not be remarked upon, particularly if the detainee was able to describe his or her experiences to the doctor. If these allegations are confirmed, such breaches of duty would constitute grave violations of medical ethics.

Recommendations

To eradicate and prevent torture, the Algerian authorities should:

- systematically investigate allegations of torture and other ill-treatment, and the circumstances allowing such treatment to be perpetrated, even where no complaint has been made;

¹⁶ UN Document A/57/173, July 2002, para. 23.

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- bring to justice those responsible for committing, ordering or authorizing torture and other ill-treatment;
 - ensure that detainees are informed of their right to a medical examination by a doctor of the detainee's choosing at the end of *garde à vue* detention and evaluate the quality of medical reporting where detainees are examined or treated by doctors;
 - establish a system of regular visits by independent national and international bodies to all places of *garde à vue* detention;
 - invite the UN Special Rapporteur on Torture to visit Algeria;
 - ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
 - revise the definition of torture contained in Articles 110 *bis* and 263 of the Penal Code to bring it into full conformity with Article 1 of the Convention against Torture.

5. Lack of civilian oversight

Officers of the DRS appear to be operating, in effect, without oversight by the civilian authorities, as required by Algerian law. As a branch of the military, the DRS is under the authority of the Minister of Defence. Its officers can exercise the role of judicial police, such as during arrests and detention of civilians suspected of having committed criminal offences, in accordance with Article 15 of the Criminal Procedures Code. Articles 12 and 16 of the same code stipulate that in exercising these functions they operate under the authority of the prosecutor who is territorially competent.

In practice, prosecutors do not appear to oversee the activities of DRS officers operating as judicial police. Unlike in the case of arrests carried out by police or gendarmerie officers, prosecutors seem not to be kept informed of arrests carried out by the DRS and apparently do not visit DRS barracks which are used as places of *garde à vue* detention. As a consequence, no civilian institution appears to monitor the arrest and detention procedures of the DRS, to ensure that they comply with provisions of Algerian law granting detainees protection from torture and secret detention. Prosecutors apparently do not use their prerogative to order medical examinations, to visit barracks which are used for *garde à vue* detention, or to verify the records on the arrest, questioning and release of detainees held by the DRS, which have to be kept by law in each place of *garde à vue* detention and signed by the prosecutor (Article 52 of the Criminal Procedures Code).

It appears that neither the prosecutor, nor any other civilian institution, exercises effective control over arrests and detentions carried out by the DRS. In light of this, Amnesty International considers that any terrorist suspects who are returned to Algeria would be at risk of being detained by the DRS and tortured or otherwise ill-treated, irrespective of any guarantees given by the civilian authorities.

Recommendations

Amnesty International calls on the Algerian authorities to:

- in view of the lack of effective civilian oversight, exclude officers of the DRS from the functions of judicial police.

6. Impunity for state agents

Impunity in practice

Officers of the DRS appear to benefit from systematic impunity. In cases where families, lawyers or detainees themselves have made complaints to the prosecutor about violations committed by DRS officers during *garde à vue*, these appear not to have been investigated. They concern crimes punishable under Algerian law, such as torture, arbitrary detention, or failure to notify superiors of arbitrary or illegal detention. While there have in recent years been reports on a few cases where police or gendarmerie officers have been investigated for human rights violations, Amnesty International is not aware of a single complaint for human rights violations against an officer of the DRS having led to an investigation being opened.

Article 15 of the UN Guidelines on the role of prosecutors provides that

Prosecutors shall give due attention to the prosecution of crimes committed by public officials, particularly corruption, abuse of power, grave violations of human rights and other crimes recognized by international law and, where authorized by law or consistent with local practice, the investigation of such offences.

Impunity in law

Recent legislation entrenches impunity for all members of the security forces and prevents prosecutions of any crimes they may have committed prior to the legislation being enacted. Article 45 of the Decree Implementing the Charter for Peace and National Reconciliation of February 2006 states:

No legal proceedings may be initiated against an individual or a collective entity, belonging to any component whatsoever of the defence and security forces of the Republic, for actions conducted for the purpose of protecting persons and property, safeguarding the nation or preserving the institutions of the Democratic and Popular Republic of Algeria. The competent judicial authorities are to summarily dismiss all accusations or complaints.¹⁷

¹⁷ Ordonnance no. 06-01 of 27 February 2006 on the implementation of the Charter for Peace and National Reconciliation, published in the Algerian official bulletin (*Journal Officiel*) of 28 February 2006.

This provision offers an unconditional amnesty to all members of the security forces, including for crimes such as torture and arbitrary detention which carry severe penalties under Algerian law. It will deny victims of torture, ill-treatment and arbitrary detention at the hands of security forces the right to a judicial remedy, as enshrined in Article 2(3) of the ICCPR.

Although almost all of the individuals whose cases are raised below have now been released, under separate provisions in the presidential decrees on “national reconciliation”, the Algerian state remains bound by its duty to investigate the violations they have been subjected to and to ensure they are granted full reparation, in accordance with Article 14 of the Convention against Torture and Article 2 of the ICCPR. Amnesties and similar national measures that lead to impunity for grave human rights abuses, such as torture, contravene fundamental principles of international law. They risk further to entrench impunity and thereby to facilitate the continuation of human rights violations. In its General Comment 20 on Article 7 of the ICCPR, the Human Rights Committee has stated: “The right to lodge complaints against maltreatment prohibited by Article 7 must be recognized in the domestic law.”¹⁸

The new legislation seeks to end not only prosecutions of the security forces, but even public debate about human rights violations they may have committed. Article 46 threatens to penalize victims of torture, ill-treatment and arbitrary detention who publicly criticize state agents or campaign for justice for the wrongs they have suffered.

Amnesty International has more wide-ranging concerns in relation to measures granting impunity introduced through the decrees passed in February 2006 to implement the Charter for Peace and National Reconciliation which it has brought to the attention of the Algerian authorities.

Recommendations

In addition to systematically investigating all allegations of torture or other ill-treatment and arbitrary detention, and bringing to justice those responsible, the Algerian authorities should:

- withdraw the legislation introduced by presidential decree in February 2006 which grants an unconditional amnesty to security forces for crimes under Algerian and international law and penalizes the exercise of the right to freedom of expression by victims of human rights violations, human rights defenders and others;
- take stricter measures to ensure that all law enforcement agents, including those employed by the DRS, are adequately trained and comply with the law.

¹⁸ Human Rights Committee, General Comment No. 20, para. 14., UN Document HRI\GEN\1\Rev.1 at 30 (1994).

Individual cases

Amnesty International is aware that most of the individuals whose cases are detailed below have been released in March 2006 and that judicial proceedings against them were ended, in the context of measures for “national reconciliation”. Amnesty International continues to receive reports of arrests of terrorist suspects by the DRS and is concerned that arbitrary detention, torture and other ill-treatment continue as long as investigations are not carried out in all cases where there are reasonable grounds to believe that such violations have been committed. We therefore remain concerned that the violations detailed below have not been investigated, and that the individuals concerned have not been granted compensation.

Regarding the individual cases detailed below, we would particularly welcome a response from the Algerian authorities on:

- whether an investigation has been carried out into the allegations of torture or ill-treatment, what procedure was followed and what the findings are;
- whether any members of the DRS have been brought to justice for having committed, ordered or authorized torture or ill-treatment;
- whether any of the breaches of the Criminal Procedures Code by law-enforcement and judicial officials have been investigated and what the outcomes are;
- whether any of the individuals have been granted reparation for arbitrary detention, torture or ill-treatment.

Amnesty International would also welcome any other information on security officers who have been brought to justice for committing human rights violations during the exercise of their duties.

Among the individuals recently arrested on suspicion of alleged terrorist activity are foreign nationals and Algerians resident abroad. Some of them had travelled to Algeria on their own account, others had been forcibly returned. Amnesty International is concerned that they were arrested in Algeria by officers of the DRS, apparently without their arrest having been requested by the judicial authorities, or even without the knowledge of these authorities. Concerning these cases, Amnesty International would welcome information as to the grounds on which these individuals have been arrested and detained by the DRS.

Nouamane Meziche

Nouamane Meziche, aged 35 and a dual Algerian and French national, was arrested upon arrival at Algiers airport on 5 January 2006.

Nouamane Meziche reportedly left Algeria in 1992 and lives in Hamburg, Germany, with his wife and two children. In 1990, before leaving Algeria, he had reportedly travelled to Afghanistan and Pakistan with his brother, Tareq Meziche, who is said to have later joined an

armed group and was reportedly killed by Algerian security forces in 1996. His father and another brother were arrested in 1995, apparently in connection with the activities of the first brother, and have “disappeared” since. In recent years, Nouamane Meziche had reportedly been questioned by German police on his alleged links with the perpetrators of the attacks on the World Trade Centre in September 2001.

On 5 January 2006 he flew in to Algiers from Frankfurt in Germany, and was arrested by border police at Houari Boumediene airport. According to lawyers, no arrest warrant had been issued against Nouamane Meziche in Algeria prior to his arrest, and he had not been sentenced in absentia.

He was able to telephone his mother two days later, on 7 January, to say that he had been arrested and was held at a police detention centre in the Ben Aknoun district of Algiers. Family members said that when they went there to see him they were told that he had been handed over to the custody of the DRS for questioning in connection with alleged terrorist activities abroad. They were reportedly told to leave without finding out where he was held.

Nouamane Meziche was held in secret detention, without contact to the outside world, for 43 days. He later reported having been held at the barracks of Antar in the Hydra district of Algiers, part of which is used by the DRS as a detention centre. He said that he was slapped in the face and insulted by DRS officers during questioning. While he was held at Antar, a control order [assignation a residence surveillee] was issued by the Minister of the Interior, requiring him to remain at a fixed address. The order required Nouamane Meziche to remain within the confines of Algiers province, but did not specify an address where he was to remain. The duration and conditions of the measure were not specified.

His family made repeated enquiries with the security forces but did not receive any information regarding his whereabouts. Amnesty International launched an urgent appeal on behalf of Nouamane Meziche on 23 January 2006. On 28 January, his lawyers lodged a complaint at the General Prosecutor’s office of the Court of Algiers for detention beyond the legal limit of *garde à vue*. To Amnesty International’s knowledge, the complaint did not lead to an investigation being opened.

On 19 February, Nouamane Meziche was brought before a judge in the presence of a lawyer. The duration of his detention had exceeded by 33 days the legal limit of *garde à vue*. According to eye-witnesses, he was unshaven and looked dirty and dishevelled. He was charged with “belonging to a terrorist group operating abroad” and remanded in custody in Serkdaji prison, Algiers. Nouamane Meziche denied the accusation. On 4 March 2006 he was released from detention and informed that all judicial proceedings against him would be ended, in the context of measures for “national reconciliation”.

M’hamed Benyamina

M’hamed Benyamina, an Algerian national born on 12 September 1971 and resident in France, was arrested in Algeria on 9 September 2005 and detained at an undisclosed location without charge or trial, and without access to the outside world, for ~~over~~ five months.

M'hamed Benyamina has lived in France since 1997 and been married to a French woman since 1999 and is a father of four. He was working as a butcher in Trappes, France.

After a month's stay in Algeria, he was arrested at Oran airport, western Algeria, on 9 September 2005 on his way out of the country, together with his nephew Madjid Benyamina, a French national. Madjid Benyamina was released after four days and returned to France. He said that he and his uncle were stopped by border police on their way to their flight after checking in. They were reportedly arrested by plain clothes officers who did not identify themselves and informed them that the French authorities had requested their arrest. After their identities had been confirmed, the two men were separated.

Madjid Benyamina said that he was detained during four days at army barracks in Oran. Upon approaching the barracks he was asked to lower his head to prevent him from recognizing the place where he was detained. He was reportedly questioned about his uncle's life in France. He was told that he and his uncle had been arrested because his uncle was suspected of belonging to an alleged terrorist network in France.

M'hamed Benyamina reported that, after he had been detained at Oran airport, he was handcuffed, placed in an unmarked van and transferred to Algiers on the day of his arrest. He said that, before they reached the place where he was to be held, he was forced to lower his head, allowing him only to see his feet. He stated that he believed the place where he was detained were army barracks, but during the more than five months of his detention he did not know where he was and was never informed of this by those who detained him. He said that he did not see any daylight and did not speak to any person apart from his interrogators. He reported having been held in a small, dirty cell with no window and no electricity where he was forced to sleep on the concrete floor for the first few weeks, until he was given a mattress. He was reportedly only allowed to use the toilet twice a day, at mid-day and in the evening.

He was questioned about his activities in France and in Algeria. M'hamed Benyamina said that interrogations initially took place every day, in later months they became more irregular. His interrogators accused him of having participated, on the one hand, in an international network sending Muslim fighters to Iraq and, on the other, in plotting bomb attacks on the headquarters of the French counter-espionage services (Direction de la surveillance du territoire, DST), Orly airport and the Paris metro. Amnesty International was able to speak to M'hamed Benyamina on the telephone after he was released from detention. He did not wish to speak about his treatment in detention while he remains in Algeria, for fear of reprisals. He stated that, before he was presented to the judicial authorities, he was forced to sign a report of the interrogation which he was not allowed to read. Among the documents he signed was, according to his lawyer, a declaration that he had been treated humanely and not been tortured or ill-treated during detention by the DRS.

M'hamed Benyamina's family say that, while he was detained by the DRS, they did not receive any information about his whereabouts, despite repeated requests to the Algerian security forces. They heard rumours that he had been transferred to the custody of the DRS in Algiers, but were unable to obtain official confirmation about this. According to his lawyer, the judicial authorities did not confirm that he had been taken into detention.

M'hamed Benyamina was brought before an examining judge on 6 February 2006. He was not assisted by a lawyer and the judge reportedly failed to inform him of his right to legal counsel and to a medical examination. He was remanded in custody in Serkadji prison, Algiers, and charged with "belonging to a terrorist group operating abroad" and "joining a terrorist group operating in Algeria".

He reportedly complained to the examining judge that he had been ill-treated, but no investigation appears to have been opened into these allegations, or into the excessive period of *garde à vue* detention. M'hamed Benyamina had been detained for a total of 150 days, 138 days beyond the legal limit of *garde à vue* detention.

While he was detained by the DRS, M'hamed Benyamina was officially placed under a control order [*assignation a residence surveillee*] by the Minister of the Interior, requiring him to remain at a fixed address. The order, dated 14 September 2005, five days after he had been arrested, required him to remain within the confines of Algiers province, but does not specify the address of residence. The duration and conditions of the measure are not specified.

His family was apparently not informed of his detention until 19 February. They visited him for the first time in Serkadji prison, Algiers, on 20 February. M'hamed Benyamina was released unconditionally from detention on 4 March in the context of measures of "national reconciliation". He was informed that all judicial proceedings against him in Algeria would be stopped. It has been reported in Algerian and French media that the French authorities have now requested his extradition for involvement in alleged terrorist activities in France. However, his lawyer in France is not been able to confirm that any such request has been made.

M'hamed Benyamina's wife, Nadia Benyamina, was detained in France for three days, between 23 and 25 September. She said that she was questioned about her husband's activities and told that, while in custody in Algeria, he had admitted to being part of a group planning violent attacks on targets in France.

Amnesty International has received information that the arrest of nine people in Trappes (Yvelines) and Evreux (Eure), France, on 26 September 2005, suspected of being members of a group planning acts of violence in France, may have been the result of statements elicited from M'hamed Benyamina while detained by the DRS. According to reports in the French press, a confidential note -- that may have been transmitted prior to 26 September 2005 by Algerian security forces to the French counter-espionage services DST, -- played an important role in the arrests. It appears that a number of those arrested are currently in preventive detention on charges relating to their planning to commit violent acts on targets in France. One of them is Safé Bourada, already convicted for his role in bombings in 1995 in France.

M'hamed Benyamina was arrested again at 6pm on 2 April at his family's home in Tiaret. He was taken to barracks operated by the DRS in Tiaret, where he was detained overnight. The following morning at around 11am, he was reportedly put into a van with his hands and feet tied and was transferred by road to Algiers. He was detained at the Antar barracks for two days without being given an explanation as to the reasons for his arrest and without being given the opportunity to communicate with his family.

On 5 April, he was transferred to Serkadji prison without having been brought before a prosecutor, or a judge, and without any judicial decision to justify his imprisonment. On 9 April, Minister of Justice Tayeb Belaiz was quoted in press reports as saying that the arrest had been carried out to correct an error by the judges who authorized his release. According to the Minister, M'hamed Benyamina should not have benefited from measures for "national reconciliation" due to his alleged involvement in planning attacks with explosives.

Amar and Zoheir Saker

Amar Saker, a 33 year-old farmer from Skikda, eastern Algeria, and his brother Zoheir were arrested within five days of each other in February 2005, and accused of belonging to and supporting an Algerian armed group, the Salafist Group for Preaching and Combat, Groupe salafiste pour la prédication et le combat (GSPC). They were suspected of having established links with a local armed group belonging to the GSPC through their brother Adel, an alleged member of the GSPC who had left Algeria in December 2003.

Amar Saker reported having been arrested on 19 February 2005 by three officers of the DRS at a cafe near his house in Tamalouz, Skikda. He says he was put into a car, with his face covered and his hands tied behind his back, and taken to a DRS base [secteur militaire / qita' askari] in Skikda. There he reported being made to sit on an iron chair, his hands tied behind his back, and being beaten with batons. He reported that he was undressed and locked naked in a cell for the night with his hands tied behind his back.

The following day, he was reportedly flown to Algiers and taken to the Antar barracks in Hydra. After his personal details had been taken, he said that one of the officers beat him on the head with a rifle butt, making him lose consciousness. When he regained consciousness he was in a cell.

The following morning, 21 February 2005, he was reportedly taken to an interrogation room where DRS officers confronted him with details about his alleged involvement in activities of the GSPC. Amar Saker says that, after he denied the allegations, he was spat at, insulted and kicked by his interrogators. On the afternoon of the same day he reported having been taken to the basement and suspended from the ceiling with handcuffs for some two to three hours. He said that, when he continued to deny the allegations against him, he was threatened that the interrogation style would change. That night, he says, he was undressed and detained in the toilet where he was forced to remain for the entire night and where he was seen by everyone who used the toilet during the night.

Amar Saker stated that he was further tortured using a range of methods, including electric shock treatment. He said that after the torture sessions there were numerous injuries to his body and blood coming from injuries to his chest and stomach. Amar Saker reported that the injuries inflicted under torture were so serious that he was not sure whether he would survive. He was not given any medical treatment.

According to Amar Saker, on the fifth day of detention and torture, he began admitting to the accusations and the torture stopped for three days. Afterwards, he was reportedly suspended

from the ceiling, his feet not touching the ground, and left in this position during the entire day. He stated that he was asked once every hour whether he had remembered anything and only brought down if he said he had further information. He said that he was subjected to this treatment for three consecutive days.

Amar Saker reported that he had his fingers clamped in a drawer because he asked to read the report of his interrogation before signing it. He also stated that he was slapped in the face and told he should consider himself lucky that he had not been killed. Among the documents he was forced to sign before being presented to the judicial authorities was a declaration that he had been treated humanely during detention and not been subjected to any form of ill-treatment.

Amar Saker's brother, Zoheir Saker, was arrested by DRS officers on 24 February 2005 and detained at the Antar barracks for nine days, during which time he reported having suffered a similar treatment to his brother Amar. While the brothers were detained by the DRS, their family did not know where they were.

According to his own account, Amar Saker was held by the DRS without any contact to the outside world for 14 days, exceeding by two days the legal limit for *garde à vue* detention. Official documents state his arrest date as 21 February, two days after he says he was arrested, apparently to disguise the fact that he was held beyond the maximum period of *garde à vue* detention.

When Amar and Zoheir Saker were presented to a prosecutor and later to an examining judge on 5 March, they reportedly bore clearly visible traces of injuries. They were not assisted by a lawyer. They retracted the statements they had been forced to sign and stated that they had been subjected to torture while they were detained by the DRS. The judge did not react to the allegations of torture and proceeded with the case. Amar and Zoheir Saker were charged with "belonging to a terrorist group operating abroad" and "apology for and financing of terrorist acts" and remanded in custody at Serkadji prison, Algiers.

Under torture, Amar Saker had admitted to being a link person between his brother Adel in Syria, a local armed group belonging to the GSPC, and members of an international network based abroad. He reportedly also admitted to transmitting messages, money and various items – such as SIM cards and top-up cards for mobile telephones – and to providing logistical support to the armed group. Zoheir Saker reportedly admitted to conducting some meetings and transfers on behalf of his brother Amar. Amar and Zoheir Saker had also been forced to admit that their brother Adel had asked them to provide logistical support to introduce foreign fighters into Algeria, allegedly to provide training to the GSPC, including in the use of explosives, and to conduct suicide attacks. In this context, Zoheir Saker is said to have admitted to meeting two Tunisians in eastern Algeria.

On 7 March, the prison administration wrote to the examining judge and the prosecutor, notifying them that Amar Saker's body bore traces of violence when he was admitted to the prison and subjected to a medical examination. The examining judge apparently received this document on 8 March. Some two weeks later, the judge instructed a psychologist to examine Amar and Zoheir Saker and to establish a report specifying the nature, kind and extent of their

injuries. Amar and Zoheir Saker say that they did not receive a visit by a psychologist to examine and document their injuries, in accordance with the instructions of the judge. According to Amnesty International's information, a medical examination by a forensic doctor, as requested by their lawyer, did not take place. The traces of injuries from the alleged torture were reportedly still visible on Amar Saker's body nearly a year after he had been arrested, but no investigation into the allegations of torture had been opened.

Amar and Zoheir Saker were detained at Serkadji prison in Algiers awaiting trial until 4 March 2006. On that day, they were released and informed that the judicial proceedings against them would be ended, in the context of "national reconciliation" measures.

Toufik Touati

Toufik Touati, was arrested at his home in Algiers at around mid-day on 14 June 2004, three days before his brother Smail (see case of Smail Touati below). Born in 1966, Toufik Touati is married with two children and works as a taxi driver. He received a visit by two plain clothes officers who reportedly did not identify themselves, but told him that they needed to ask him some questions and asked him to come with them. He later said he recognized them because they had come to the house once before, when his brother was detained. At the time they had asked if he was experiencing any problems and asked for his telephone number, seemingly offering to help.

He followed the officers, who drove an unmarked white Ford Transit van, in his own car which was later recovered by family members outside the Parc Sofia barracks of the Direction du contre-espionnage (DCE), a branch of the DRS. After some twenty minutes there he was told that he would be transferred to a police station in Hydra, Algiers. He was put into a car, accompanied by three different officers. As the car entered Hydra, Toufik Touati was told to lower his head to prevent him from seeing out. Amnesty International believes that he was taken to the Antar barracks in Hydra because he saw his brother there several days later.

He later stated that he was held in a cell with no water, window, or ventilation for 13 days without being allowed to contact his family. Official documents state his arrest date as 15 June, one day after he says he was arrested, apparently to disguise the fact that he was held one day beyond the maximum period of *garde à vue* detention. During this time, he reported being questioned every night, beginning after midnight. He said that the officers asked him about his brother, stating that they had listened to his telephone calls while his brother was in prison. He stated that he admitted under duress to having been in contact with a number of Algerians living abroad who knew his brother, and to having received money from them.

Toufik Touati said that he was tortured during the first three days of his detention at Antar. He reported being beaten with hands and fists, being undressed during interrogation and being threatened to be tortured with electricity. He also reported being threatened that his wife would be arrested if he did not tell the truth. He said that, during the first interrogation, his hands and feet were tightly strapped to the four legs of a table, his T-shirt was brought up and

pulled over his head, and the flesh on his chests was pinched and twisted to cause him pain. He reported that he started admitting to the accusations levied against him to stop the torture. He said that he had to sign and thumb-print the interrogation report without having read it. One of the officers reportedly told him “If you try to look at the report, I’ll take out both your eyes.”

While he was held at Antar, his family was not informed of his whereabouts. They contacted a lawyer who enquired about him at the court on the three days before Toufik Touati was brought before the judicial authorities on 27 June 2004, together with his brother Smail. The judge did not take into account that Toufik Touati declared having been tortured and that he retracted the statements made while being interrogated by the DRS. The official minutes of the court hearing reflects that he told the court that he had made certain statements to the security forces “having been beaten” [taht al darb] and “under duress” [taht al daght], but no investigation is known to have been opened into the allegations of torture, and no medical examination was ordered. Toufik Touati was charged with “encouraging terrorist activities” and released on 27 June 2004, pending trial. In March 2006, the charges were dropped and he all judicial proceedings were ended, in accordance with measures for “national reconciliation”.

Smail Touati

Toufik Touati’s brother Smail, an Algerian citizen aged 33, was first arrested by border police upon arrival at Algiers airport on 7 October 2003, when he returned to Algeria for a family visit. He was provisionally released on 24 April 2004 and arrested again by DRS officers on 17 June 2004. He lives in Dublin, Ireland, where he is married with four children and works as a truck driver.

When he was first arrested he was informed that an international arrest warrant had been issued by the Algerian authorities in November 2001, on the grounds that he was allegedly a member of a “terrorist group operating abroad”. Smail Touati denied this accusation. The following day, he was remanded in custody and a judicial investigation was opened. He remained in detention for four and a half months without being charged. He reported that, in December 2003, he was taken from prison for questioning to the Antar barracks in the Hydra district of Algiers. On 24 April 2004 he was released pending trial, but his passport remained confiscated to prevent him from leaving the country while the investigation against him was ongoing.

He was arrested again at his family’s home in Algiers on 17 June 2004, apparently in connection with statements extracted under duress from his brother Toufik, who had been arrested three days before him. The arrest was carried out by three plain clothes officers who did not identify themselves and presented no warrant. They asked him to follow them to an unmarked Peugeot 205 and took him away in the back of the car. When the car reached the motorway he was forced to lower his head to prevent him from seeing where he was being taken. He told Amnesty International that he recognized the place as the Antar barracks where

he had been questioned the previous year. When he arrived, he was reportedly shown his brother Toufik, who was already being detained there.

Smail Touati was held for some 11 days in a cell with no windows, no electricity, no mattress and a dirty blanket. During this time his family was not informed of his place of detention and he was not allowed to communicate with them. He says he was tortured during the first four days of his detention and asked, during interrogation, to provide information about anyone he knew in the UK, Sweden, or Ireland. He was reportedly beaten, threatened that he would not see his children again and subjected to a torture method known as *chiffon*: he said that he was undressed down to his underwear with his T-shirt stuffed into his mouth and water was poured through into his stomach. He was forced to sign an interrogation report claiming that he had been in contact with two Algerians abroad who are wanted by the authorities for alleged involvement in terrorist activities.

On 27 June 2004, when brought before an examining magistrate together with his brother Toufik, Smail Touati declared having been tortured and forced to sign the interrogation report, but the judge did not order an investigation, nor a medical examination. The minutes of the hearing mention that Smail Touati retracted the statements made during questioning by the DRS. To Amnesty International's knowledge no investigation has been opened into the allegations of torture.

Smail Touati's name features on a document issued on 7 November 2001 by the prosecutor of Sidi M'hamed court in Algiers listing 79 Algerians as wanted for "creating and belonging to terrorist groups abroad". The document makes reference to an accompanying DRS report, but this report has not been made available to defence lawyers or the judiciary.

Smail Touati was placed under judicial control by the examining judge, awaiting trial. In March 2006, the charges were dropped and all judicial proceedings were ended, in accordance with measures for "national reconciliation". At the time of writing, he was unable to leave Algeria and return to Ireland where his family live, as his passport remained confiscated.

Amari Saïfi

According to media reports, Amari Saïfi, born in 1968 in Batna, was handed over to Algeria from Libya during 2004. He is reportedly a senior member of the GSPC and a former paratrooper in the Algerian army before 1991, also known as Abderrezak El Para. According to media reports, he was kept in secret detention for at least three months and has not been seen in public since he was handed over to Algeria.

Algerian authorities had requested Amari Saïfi's handover, among other things, for his alleged role in the killings of dozens of soldiers during ambushes by the GSPC, notably in 2002 and 2003. He was also accused of having led an armed group which abducted 32 European tourists in the Algerian Sahara in February and March 2003, many of whom were German nationals. According to reports by German judicial sources who had launched an international arrest warrant against him, he was captured in Chad in May 2004. Algerian media reports indicated that he had been handed over to the Algerian authorities by the end of

October 2004. At the time, Minister of the Interior Noureddine Zerhouni confirmed to media sources that Amari Saïfi was detained in Algeria.

Press reports suggested that after he was handed over to Algeria, he was interrogated by the intelligence service and was not brought before a prosecutor until January 2005. He was then reportedly remanded in custody at Serkadji prison, Algiers.

Also according to press reports, he was absent during a court hearing in Algiers on 24 April 2005 in which he was the principal defendant and was accused of “creating a terrorist group” and “distribution of subversive documents”. According to the same sources, judicial authorities considered him as a fugitive as they had apparently not been able to question him. He was reportedly also absent from a court hearing in Biskra which was postponed indefinitely as a consequence. On 25 June 2005 the criminal court of Algiers [tribunal d’Alger/cour criminelle d’Alger] reportedly sentenced Amari Saïfi to life imprisonment in his absence for “creating an armed terrorist group aiming to spread terror among the population” [“création d’un groupe terroriste armé visant à semer la terreur au sein de la population”; takwin djama’a irhabiya musallaha tanshur al tarwi’ fi haqq al muwatinin, see docs Boubker Sadek].

Five other defendants who were present in court were reportedly sentenced in the same trial. Quoting defence lawyers, press reports stated that the trial had taken place exclusively on the basis of statements made by the defendants during interrogation by the security forces. In court, the defendants reportedly retracted the statements they had made during interrogation, stating that the confessions had been extracted under duress. At the end of June, Interior Minister Noureddine Zerhouni responded on Algerian radio to questions about the absence of Amari Saïfi during the trial, stating that he was “under investigation”. During a press conference on 9 July 2005 the head of the Algerian police, Ali Tounsi, reportedly stated the he did not know where Amari Saïfi was. The whereabouts of Amari Saïfi remain unknown and it is unclear whether he benefited from exemption from prosecution in the context of measures for “national reconciliation”.

Mourad Ikhlef

Algerian Mourad Ikhlef, born on 20 February 1968 and a refugee in Canada, was arrested in Montréal on 12 December 2001 and forcibly returned to Algeria on 28 February 2003. He had been detained in Canada on account of his alleged links with Ahmed Ressay, 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 during the millennium celebrations. Mourad Ikhlef maintained that he had merely been a neighbour of Ahmed Ressay in Canada and that he had not been involved in planning any acts of violence. The Canadian authorities stated that he posed a risk to national security and deported him to Algeria on 1 March 2003. They said they had received assurances from the Algerian authorities that he would not be subjected to ill-treatment if returned to Algeria.

In Algeria Mourad Ikhlef had been sentenced in absentia by an Algiers special court to life imprisonment in September 1993 on the principal charge of “membership of a terrorist group operating in Algeria and abroad”, apparently on the basis of confessions extracted from another detainee under torture. Mourad Ikhlef denied the charges. He said that he had left Algeria for Italy in 1992 and having later gone to Canada. In 1999 he had approached the Algerian embassy in Ottawa in order to have this sentence annulled, in the context of measures of exemption from prosecution under the Civil Harmony Law. The embassy reportedly responded that in order to do so he needed to return to Algeria. As an asylum-seeker in Canada, he was unable to leave the country at the time.

As Mourad Ikhlef had been sentenced in absentia he should have been brought before the judicial authorities upon return to allow for a retrial, in accordance with the provisions of the Criminal Procedures Code. However, upon arrival at Algiers airport, he was immediately arrested by officers of the DRS and transferred to army barracks. During the transfer he was reportedly forced to lie on his stomach to prevent him from seeing where he was being taken. He believes that he was held either in Ben Aknoun, or at the Antar barracks in Hydra. He was held by the DRS for 10 days, during which time he says he was pressurized and insulted. A lawyer who asked the judicial authorities about his whereabouts was reportedly informed that he was being held by the DRS, but did not receive information about his place of detention or the reason for his arrest. His family who contacted the police to find out where he was detained were told that the police was not holding him and did not know where he was.

Lawyers acting on his behalf, who happened to be in court on that day, believed they recognized him when he was taken to court on 10 March 2003 by officers of the DRS. When they asked him if he was Mourad Ikhlef he denied his identity, reportedly after one of the DRS officers stepped on his foot. When he was presented to the examining judge he was accompanied by DRS officers and not assisted by a lawyer, despite the fact that the lawyers had announced their presence to court officials and were waiting outside the court room. They were reportedly refused access to the hearing by the examining judge and a court official, apparently at the behest of the DRS officers. A request by the defence lawyers to annul the minutes of the hearing due to the absence of legal counsel, in violation of the Criminal Procedures Code, was not granted. The court [chambre d'accusation] maintained the records of the first hearing stating that Mourad Ikhlef had expressly renounced his right to being assisted by a lawyer. Mourad Ikhlef said that he had not been informed of his right to legal counsel and that he had been too scared to insist on the presence of a lawyer. He was charged with alleged terrorist activities and remanded in custody.

In July 2003 Mourad Ikhlef was acquitted of the charges brought against him in 1993. On 8 November 2005 he was convicted of “membership of a terrorist group operating abroad aiming to harm the interests of Algeria” and sentenced to seven years’ imprisonment. He was apparently sentenced exclusively on the basis of the statements he had made while in the custody of the DRS which, according to his testimony, had been made under duress. At the hearing, he denied having any links with armed groups. Mourad Ikhlef was released on 26 March 2006 and informed that all judicial proceedings against him would be ended in the context of measures for “national reconciliation”.

Mourad Ikhlef was arrested again at his home in the El Harrach district of Algiers at about 1am on 3 April 2006. The arrest was reportedly carried out by 10 plain-clothes officers who were accompanied by uniformed police officers. His family said that they were not given any reason for the arrest. He was reportedly detained for three days at the Antar barracks and not told why he had been arrested again. On 5 April, he was transferred to Serkadji prison without having been brought before a prosecutor, or a judge, and without any judicial decision to justify his imprisonment. On 9 April, Minister of Justice Tayeb Belaiz was quoted in press reports as saying that the arrest had been carried out to correct an error by the judges who had authorized his release. According to the Minister, Mourad Ikhlef should not have benefited from measures for “national reconciliation” due to his alleged involvement in planning attacks with explosives.

Boubker Sadek

Algerian national Boubker Sadek, born on 7 May 1969, was arrested on 3 September 2002 in Oran and transferred to the barracks of Ben Aknoun in Algiers the following day. He was arrested supposedly on the basis of information received by the security forces from former armed group members that he was the leading member of an armed group conspiring with foreign elements to overthrow the regime, and that he possessed arms and ammunition. Three other people were arrested in connection to the same accusations.

Boubker Sadek, a decorative painter by profession, was allegedly a former member of an armed group active in the western Algerian provinces of Oran, Tlemçen and Maghnia. He had been arrested in 1995, tried and convicted in connection with alleged assassination attempts of political figures. He was released in 1999 in the context of amnesty measures under the Civil Harmony Law.

According to his own account, Boubker Sadek was tortured while detained at the Ben Aknoun barracks. He reported having his body stretched and being tortured with the *chiffon* method and electric shocks. One of his torturers reportedly put his thumbs on Boubker Sadek’s eyes and pressed, causing injury to his eyes. Apparently as a result of the trauma and injuries sustained under torture and ensuing lack of medical care during *garde à vue* detention, Boubker Sadek lost the use of his left eye.

Boubker Sadek reported that he received medical care only after he had been brought before the judicial authorities on 17 September 2002 and a medical examination was carried out upon his transfer to Serkadji prison in Algiers. Four days later he was admitted to the prison hospital where doctors apparently diagnosed detachment of the retina, a condition which may be facilitated by severe trauma and requires prompt surgery. On 25 September he underwent surgery, but this was unsuccessful in restoring the use of his eye. After complaining to the prison administration he underwent further surgery in January 2003, but this did not revert the damage to his eye either. He says that his condition deteriorated during his imprisonment and that the eyesight on his other eye has weakened.

Boubker Sadek says that he asked the doctor who treated him to issue a certificate about his medical condition, but the doctor reportedly refused, saying that he could not do so without permission by his superior.

According to the interrogation report, Boubker Sadek admitted to the DRS that he had been active in 2002 as the head of an armed group in the Oran region which maintained contact with individuals in England, France and Morocco. The report also claims he admitted to having plotted to kill foreign nationals, priests, officials and others, and to having hidden arms, ammunition and communication equipment which the group planned to use. Boubker Sadek later denied these accusations in court and stated that he had not admitted to them, but that they had been added to the interrogation report without his knowledge. The investigation report by the judicial police also stated that two firearms, a hand grenade and a satellite phone had been discovered in Boubker Sadek's house. Boubker Sadek later told the examining judge that his house had been searched when he was arrested and that nothing had been found at the time.

When he was first brought before a judge, on 17 September 2002, he did not have access to legal counsel. Boubker Sadek said that he was not informed by the judge of his right to a lawyer and that he had been threatened by the DRS officers who took him to court that if he did not reiterate in front of the judge what he had said under interrogation he would be taken back to the barracks. The minutes of the hearing state that he agreed to making his statement to the judge without the presence of a lawyer. He was charged, among other things, with creating an armed group aiming at committing killings, and possession of firearms, ammunition and explosives. At the first court hearing, he did not state that he had been tortured. During later hearings with the examining judge, in particular a hearing conducted on 26 April 2003, Boubker Sadek made detailed allegations of torture and complained about the permanent damage to his eye. The judge apparently did not order an investigation into these allegations. Boubker Sadek said that he asked the judge to order a medical examination, but the judge reportedly dismissed the request. The minutes of the court session make an unspecific mention that Boubker Sadek denied the charges against him and that he had been forced to sign the interrogation report "under duress and under threat" [taht al daght wa taht al tahdid].

On 30 October 2004 Boubker Sadek was sentenced to life imprisonment for creating an armed group and possession of firearms, ammunition and explosives. His lawyers lodged an appeal to the supreme court which remained pending at the end of March 2006. In 2005 he was transferred to a prison in Oran, upon his own request, to facilitate visits by his family who live in western Algeria.

Salaheddine Bennia and Mohamed Harizi

Mohamed Harizi, born on 1 February 1974, and Salaheddine Bennia, born on 24 February 1974, were arrested in Algeria in December 2002 and June 2003 respectively. The two men are cousins and had left Algeria in August 1992. In the 1990s both had apparently travelled to

Bosnia and Herzegovina and to training camps in Pakistan, before fighting alongside the Taliban in the war in Afghanistan.

After the US air strikes in Afghanistan began, Mohamed Harizi reportedly fled to Pakistan and later to Turkey. In August 2002 he returned to Algeria voluntarily and went back to living with his family, apparently without being arrested by the security forces.

He was arrested on 15 December 2002 at the family home in Mahdia, in the province of Tiaret. According to reports by his family, security forces stormed the house at 11.30 at night. They did not identify themselves or present an arrest warrant. On 16 December 2002 the family lodged a complaint with the public prosecutor, seeking information as to who had arrested Mohamed Harizi and why, and asking that the manner in which the arrest was carried out be investigated. According to Amnesty International's information, no investigation was ordered and carried out following the complaint. Until Mohamed Harizi was presented to the judicial authorities in early 2005, his family did not receive any information as to which security service had arrested him and why, and where he was being detained.

Salaheddine Bennia was arrested in June 2003 after being forcibly returned to Algiers from the Netherlands. He had reportedly fled from Afghanistan to Iran, been deported to Malaysia and travelled from there to the Netherlands.

Mohamed Harizi and Salaheddine Bennia were held in secret detention at the Antar barracks in Hydra, Algiers, for months without charge or trial. Salaheddine Bennia was detained there for some 19 months, Mohamed Harizi for two years and 46 days. Both men reported having been tortured by DRS officers with electric shocks and the chiffon method during the initial months of detention at Antar. Before being released from DRS detention, they were forced to sign a declaration that they had been treated humanely and not been subjected to any form of ill-treatment.

Salaheddine Bennia and Mohamed Harizi were brought before the judicial authorities on 29 January 2005, in the case of Mohamed Harizi over two years after he had been taken into detention. They were charged with "belonging to a terrorist group operating abroad" and "apology for terrorist acts" and remanded in custody in Serkadji prison, Algiers. The men were not assisted by a lawyer when they first appeared before an examining judge. They did not state to the judicial authorities that they had been subjected to torture, apparently for fear of being taken back to the barracks. No investigation is known to have been opened into the extended period of secret detention by the DRS, or the circumstances of their arrest and detention.

When their lawyer asked during a later court hearing on what grounds the two men had been detained for such extended periods of time, he was told they had been placed under a control order requiring them to remain at a fixed address, not detained. With difficulty he was able to obtain the orders, dated 6 January 2003 in the case of Mohamed Harizi, and 28 June 2003 in the case of Salaheddine Bennia. The orders required the men to remain within the confines of Algiers province, but did not specify the address where they are to remain nor define the duration of the measure, raising concerns that they had been issued to cover up the fact that

Salaheddine Bennis and Mohamed Harizi were in fact secretly and illegally detained by the DRS.

On 3 March 2006 Salaheddine Bennis and Mohamed Harizi were released from detention and informed that all judicial proceedings against them would be stopped in the context of “national reconciliation” measures.

Mohamed Sebbar

Mohamed Sebbar, an Algerian national and former fighter in the war in Bosnia and Herzegovina, was arrested at his home in Oran on 27 December 2002 by officers of the DRS and held in secret detention for seven months. During this time he had no contact with the outside world and his family did not receive any information about him.

Mohamed Sebbar was born on 31 July 1967 in Oran. According to his own account, he left Algeria for Bosnia in April 1992 to volunteer to fight on the side of the Bosniak (Bosnian Muslim) forces. He remained a fighter until the end of the war in 1995, married a Bosnian woman and became a father of three. When the Bosnian authorities expelled foreign Muslim fighters, he was forced to leave Bosnia and travelled to Malaysia and Saudi Arabia between 1999 and 2001. He then decided to return to Algeria with his wife and three children. In 1999 the Civil Harmony Law had been passed in Algeria, granting exemption from prosecution to individuals who would have been liable to be prosecuted in Algeria for alleged terrorist activities. In June 2002 Mohamed Sebbar returned to his country of origin, having received assurances from the Bosnian authorities that he would not be prosecuted in Algeria. He initially did not face any difficulties with the security forces.

When he was arrested in December 2002 he reported having been transferred immediately from Oran to Algiers, detained in barracks in the Ben Aknoun district of Algiers, and locked in a cell of one by two metres.

He said that after five days he was taken to another room and interrogated by some 10 officers who asked whether he had met, or was in contact with, Hassan Hattab, the leader of the GSPC, or Osama Bin Laden. He says that, when he said that he had never been in contact with either of them, he was tortured. He stated that he was undressed and violently beaten before being laid on a wooden bench and attached to it. One of the officers reportedly held his head in place while another put a cloth in his mouth, pinched his nose and poured dirty water into his mouth. He says that this treatment continued until he choked or lost consciousness and was repeated several times until he lost his voice.

He reportedly also had electricity applied to his body, in particular his genitals, and cold water poured over him, causing intense pain through electric shocks. He also reported having been beaten on the soles of his feet with a heavy baton until he could not feel his feet any more and was unable to walk. After one hour the officers carried him back to his cell and threatened him that if he did not answer their questions they would continue to torture him.

The torture reportedly continued for a whole month. He says that, when the officers threatened him to arrest his wife, to torture and rape her in front of him and to rape him in front of her, he agreed to make any statement they asked him to make.

He remained detained at Ben Aknoun for seven months. According to his testimony, he was fed a sparse amount of soup and bread, and half a glass of water per day. He was not given water to wash before praying and allowed to shower once a month for a few minutes only. The officers reportedly humiliated him by forcing him to walk on hands and knees and told him they were the “Gods of Algeria”. He stated that a senior officer put a gun to his head and threatened to “disappear” him, like they had “disappeared” many others. The same officer reportedly told him that they were the rulers of Algeria, and that the civil authorities could do nothing without them.

Mohamed Sebbar said that during his time at Ben Aknoun he heard screams of other detainees being tortured nearly every day. On 2 August 2003 he was transferred to Antar together with eight others who had reportedly been detained in Ben Aknoun for over nine months. Before his transfer to Antar, a senior officer of the DRS reportedly told him that the reason he was tortured was to ascertain that he did not have any contact with armed groups operating inside Algeria, in the interest of security.

He alleges that, at Antar, he was forced, under threat of being executed, to sign statements drawn from the confessions he had made under torture, as well as a declaration that he had not been tortured or ill-treated during detention. Before being presented to the judicial authorities on 27 September 2003, a DRS officer reportedly warned him that the judge and prosecutor were on their side and that, if he did not go along with what he had signed, he could be taken back to the barracks at any moment. The same officer took him to court.

Mohamed Sebbar said that he informed the prosecutor that he wished to make a complaint for torture, and that the officer who had taken him to court was one of his torturers. The prosecutor reportedly claimed that this was nothing to do with him and that he should contact the examining judge instead, but the judge also dismissed the allegations. Mohamed Sebbar was not assisted by a lawyer and the judge did apparently not inform him of his right to legal counsel. The court documents of these hearings do not reflect the fact that he stated that he had been tortured. Mohamed Sebbar was charged with “belonging to an armed terrorist group operating abroad” and remanded in custody in Serkadji prison, Algiers, where he remained for more than one year.

On 11 November 2004 the criminal court of Algiers acquitted Mohamed Sebbar and he was released. To Amnesty International’s knowledge the allegations of torture have remained uninvestigated.