

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2008/07/10/us/algeria-reveal-location-guantanamo-detainees>

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Two Algerians Missing Since Their July 2 Return Home

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US and Algerian authorities should immediately reveal the whereabouts of two Algerians transferred from Guantanamo to Algeria on July 2, 2008. The two men, Abderrahmane Houari, 28, and Mustafa Ahmed Hamlily, 49, have been missing since their return.

Washington apparently spent months, if not years, negotiating to send these men from Guantanamo back to Algeria, said Jennifer Daskal, senior counterterrorism counsel at Human Rights Watch. The US now has an obligation to ensure that Algerian authorities treat the men humanely and inform their families and lawyers where they are being held.

The United States announced that it had transferred Houari and Hamlily from Guantanamo to Algeria on July 2. Algeria has made no announcement confirming their whereabouts, as far as Human Rights Watch knows. They are the first Algerians to be repatriated from Guantanamo, where they were held for more than six years. Around two dozen Algerians remain in Guantanamo, including at least five who have expressed serious concerns about being returned home.

Under Algerian law, persons suspected of crimes relating to terrorism can be held for up to 12 days in garde vue detention without access to a lawyer. In practice, the police often hold suspects under this law incommunicado, violating their right under the code of criminal procedure to communicate immediately and directly with their family during the period of garde vue. Police have reportedly tortured and abused detainees during this initial period of custody.

In 2007 two Algerians, Benaissa Taleb and Rida Dendani, deported from Britain to Algeria, were held for 12 days, interrogated, and reportedly threatened, beaten, and otherwise abused. Both were ultimately charged, tried, and convicted of involvement with a terrorist organization outside Algeria. The confessions made during this initial 12-day detention period, allegedly under coercion, were used as evidence against them.

The United States is well aware of these abuses. The State Department 2007 Country Report on Human Rights Practices listed reports of torture and abuse as among the significant human rights problems in Algeria. In addition, the United Nations Committee against Torture in May 2008 expressed strong concerns about reported torture and other mistreatment of detainees within Algerian custody and urged Algeria to provide all persons in garde--vue detention with prompt access to a lawyer and to a doctor.

Houari reportedly suffers from serious mental health problems. In December 2007 in Guantanamo, he reportedly tried to kill himself by tearing at his throat with his fingernails. When his lawyers last visited him there, he was taking three different psychotropic drugs, yet still reported seeing phantoms and hearing voices.

Hamlily, whose wife was pregnant at the time of his arrest, has never seen his youngest child. His wife and five children live in Pakistan. His sister is in Algeria. Hamlily reportedly suffers from diabetes.

After six years in Guantanamo, these men are finally home, Daskal said. Algeria should immediately disclose their whereabouts, provide Houari much-needed medical care, and give both a chance to reunite with their families.

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