

# Human Rights Watch

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

<https://www.hrw.org/news/2008/09/04/us-rice-should-press-algeria-fate-returned-guantanamo-detainees>

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US Secretary of State Condoleezza Rice should press the Algerian government on the well-being and status of Guantanamo detainees returned to Algeria when she travels to Algiers on September 6. Four Guantanamo detainees from Algeria have been returned in the last two months, and Rice is expected to discuss future Guantanamo returns during her visit.

We welcome the stepped-up efforts to send Guantanamo detainees home, said Jennifer Daskal, senior counterterrorism counsel at Human Rights Watch. But the US must also take steps to ensure that detainees are not being returned to torture or other abuse.

On July 2, 2008, the United States [transferred](#) Abderrahmane Houari (also known as Sofiane Hadarbache), 28, and Mustafa Ahmed Hamlily, 39, from Guantanamo to Algiers making them the first Algerian detainees to be repatriated. Upon arrival, both men were detained for nearly two weeks without access to family members or a lawyer. They have since been granted bail pending their court appearances on September 28 and October 4, respectively, before the investigative judge on charges of belonging to a terrorist organization abroad and using forged travel documents.

On August 26, 2008, Mohammed Abd Al Al Qadir (also known as Mohamed Trari), 27, and [Abdulli Feghouli](#), 42, were returned to Algeria after more than six years in Guantanamo. Algerian authorities took them into custody upon their return, and there appears to be no information available about their status or whereabouts.

Another 21 Algerians remain in [Guantanamo](#), including at least five who have expressed serious concerns about their risk of mistreatment if returned home.

Rice, who is scheduled to meet Algerian President Abdelaziz Bouteflika, should urge that any Algerian detained after being returned by the United States be permitted immediate contact with his family and a medical examination at the end of custody in accordance with Algerias Code of Penal Procedure. The United States should also send observers to attend the trials of any former Guantanamo detainees charged upon their return, and monitor whether their trials meet international fair trial standards.

Under Algerian law, persons suspected of crimes relating to terrorism can be held for up to 12 days in garde vue (pre-charge) detention without access to a lawyer. In practice, the police often hold suspects incommunicado under this law and provide no information about their whereabouts to their family. Police have reportedly tortured and abused detainees during this initial period of custody.

In 2007, two Algerians, Benaissa Taleb and Rida Dendani, deported from the United Kingdom 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 Reports on Human Rights Practices listed reports of torture and abuse as among the significant human rights problems in Algeria. In addition, in May 2008, the United Nations Committee against Torture expressed strong concerns about reported torture and other mistreatment of detainees in Algerian custody and urged Algeria to provide all persons in garde vue detention with prompt access to a lawyer and to a doctor.

The State Department has similarly issued concerns about Algerias judicial system, listing lack of judicial independence and denial of fair, public trial among the significant human rights problems.

The United States will not solve the Guantanamo problem by sending detainees from one unfair system to another, Daskal said. Washington should demand that Algeria comply with its own laws by providing returned detainees immediate access to family members and giving them a fair trial.

Human Rights Watch also noted that several Algerian detainees at Guantanamo have expressed serious concerns about torture or other abuse upon return home. Some of these detainees will be provided advance notice and a chance to formally contest their return in US federal court, based on specific court orders in their cases. Human Rights Watch urged Rice to ensure all detainees are provided adequate notice and an opportunity to challenge their transfers, as a way of ensuring that detainees are not sent home to torture or significant abuse.

Closing Guantanamo provides the United States one of the best opportunities to help rebuild its moral standing abroad, said Daskal. Washington should not squander that chance by forcibly repatriating detainees to countries with known records of torture and abuse.

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