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**Human Rights Watch Letter to Algerian Government**

November 13, 2014

His Excellency Mohamed Charfi

Minister of Justice

Ministry of Justice

8 place Bir Hakem, El-Biar, Algiers

Fax : (213)021 92-17-01

# His Excellency Tayeb Belaiz

Minister of Interior and Local Collectivities

Ministry of Interior and Local Collectivities

Palais du gouvernement, 01 Rue Dr. Saadane, Algiers

Dear Minister Charfi and Minister Belaiz,

I write to request information about the response of the Algerian authorities to allegations of torture and other ill-treatment of detainees by police in November 2013 in Guerrara, a town in the wilaya of Ghardaia.

Human Rights Watch has received allegations that police officers tortured and otherwise seriously abused nine men from the Mozabite community in Guerrara following their arrest on November 24, 2013 at the time of intercommunal clashes in the town. The purpose of this letter is to present our preliminary findings on this incident and invite your responses and comments, as we wish to ensure that our press releases and other public communications about this matter are accurate and also reflect official information and perspectives. In order to ensure this, we need to receive your responses by November 30, 2014.

The nine men who allege that police tortured and abused them filed a complaint detailing their experiences in police custody before the prosecutor of the First Instance Tribunal in Ghardaia on December 16, 2013. To date, however, we are unaware that the general prosecutor has opened any investigation into these allegations, despite a follow up complaint that the same victims filed in August 2014.

As you will be aware, violent clashes broke out in the Hay Mahmoud area of Guerrara on November 24, 2013 between members of the Mozabite and Arabic communities following a football game between rival teams with supporters in those communities, and continued for two days. The violence resulted in the death of Mohamed Abderrahmani, 30, a Mozabite, and caused damage to private and public buildings.

According to witnesses and local human rights activists interviewed by Human Rights Watch, the police rounded up hundreds of men from the Mozabite community and took them to the police headquarters in Guerrara on November 24. Human Rights Watch has also interviewed some of those the police detained, who allege that police officers subjected to torture and other ill-treatment while transporting them to and after their arrival at the police headquarters. They say police officers forced them to strip naked, beat them and subjected some to serious sexual abuse, including sodomization.

Soufiane Gorri, aged 22, told Human Rights Watch that he left his house at about 11 am on November 24 to buy bread in the Sheikh Mohamed neighborhood of Guerrara city, and that he saw several cars and shops being burned or ransacked amid continuing clashes, in which he did not participate. He said that two police officers in black uniforms approached and beat him on his back with a baton, then forced him into a white Nissan sports utility vehicle which contained two other men they had arrested, and then took them to the police headquarters. There, he said, the police put all those they had detained in a courtyard and subjected them to abuse. He told Human Rights Watch:

When we were in the courtyard, the policemen took our phones and told us to put down our pants. I could not understand the first time because I suffer from a hearing problem. When one of the policemen saw that I did not do what he asked for, he started beating me with a baton on my back and spine. I told him I did not understand what he said. Then, he hit me again. They were cursing on us. They were 15 or 25 policemen inside the courtyard, among which four or five in plainclothes. They were writing down our names and ages. When it was my turn one policeman asked me if I had a sister. He told me if I don’t tell him the truth he will beat me. When I said yes, he told me to bring her so they can rape her. We stayed there between 1h 30 pm to 5h 30 pm. We were forced to put up our shirts and put down our pants, turn to the wall on our knees and hold up our arms. We were staying in that position naked.

In the courtyard, I was sitting on my knees facing the wall and I heard someone say to detainees: ‘Now take off your pants and each one fuck the other’. I turned and looked. They were 10 detainees brought by policemen. They refused, and then police beat them.

I saw police telling a 60 year old guy to sit on his knees. He refused then he was beaten by police too.

When I was on my knees facing the wall, two policemen came to a man who was sitting next to me. One policeman said to the other: `Let’s go and fuck this one`. They told him to put down his pants but he refused. They put a baton inside his anus.

Then they took 20 of us to a room. They put water on us then turned the air-conditioner on. They forced us again to stay on our knees, put down our pants and shirts and then they took their cellular phones and filmed us. When other detainees refused to sit in the position they want, they beat them and cursed them using swear words. I heard them say to one person “Put down your pants so we can fuck you.” They were about 5 policemen. I stayed in this room one hour or more. We stayed there after they turned the air conditioner on for about 20 to 30 minutes.

Gorri told Human Rights Watch that the police put him and about 40 other detainees in a large van at around 7h 30 pm on November 24 and drove them to the police detention center in Ghardaia, where officers put them in three cells. Gorri said he remained there until 28 November, during which judicial police interrogated him several times about what he was doing in the neighborhood where he was arrested, and whether he had participated in the burning and destruction of public and private property, which he denied. On 28 November, he told Human Rights Watch, officers took him and 30 other detainees to the Ghardaia Court at 11 am, where a judge first interrogated him and then told him he faced charges of “armed gathering” and “destruction of property” and ordered his provisional release. He is still awaiting trial.

Human Rights Watch has received and examined a DVD provided by Cheikh Ahmed Ahmed, a local human rights activist and member of the National Human Rights Council, which contains the testimonies of ten unnamed males, all Mozabites aged between 17 and 55, who describe the same incidents of alleged torture of detainees by police. Cheikh Ahmed told Human Rights Watch that he has also provided the DVD to the Ministries of Interior and of Justice. Cheikh Ahmed told Human Rights Watch that he conducted filmed interviews with the 10 men and boys who appear in the DVD shortly after their release from detention, when some still had bruises on their faces and bodies which they said had been caused by police assaults in detention. Several of their testimonies related experiences similar to those that Gorri described to Human Rights Watch. They allege that police officers forced them to kneel facing a wall and remain in stress positions with their arms raised for several hours and beat those who disobeyed, and forced detainees to strip naked and beating those who refused. One said he witnessed two police officers use a baton to sodomize another detainee. They said that police officers had also insulted them using racist terms, such as: “You Mozabites are dogs,” “you are Jews” and “you destroyed the country with your religion.”

Human Rights Watch has reviewed a written complaint that five of the nine alleged victims filed on December 16 before the public prosecutor of the First Instance Tribunal in Ghardaia. The complainants, whose names and identity numbers are included, provided a similar description to the other victims cited above alleging torture, including sexual torture, and other serious abuses of detainees by police in Guerrara.

In light of the information above, we wish to obtain your response to the following questions in order that we can report accurately on these disturbing events and take full account of the government’s perspective.

* Are you aware of these torture allegations and, if so, could you tell us whether any Algerian authorities have taken any steps to investigate them, thoroughly and independently, and to identify and prosecute alleged perpetrators?
* What steps, if any, has the public prosecutor taken to investigate the formal complaint that nine of the alleged victims of police torture and other mistreatment filed on December 16, 2013? What progress has been achieved to date? Have any police officers been suspended from duty or charged with offences in connection with the torture and other ill-treatment of detainees in November 2013 in Guerrara?

We intend to issue a report/press release about these cases in coming weeks, and commit to include in it any pertinent information that you are able to provide us about them by November 30, 2014.

Thank you, in anticipation, for your assistance in this matter.

Please respond, in the first instance, to my colleague, Amna Guellali, at guellaa@hrw.org

Sincerely,

Sarah Leah Whitson

MENA executive director

