

22 January 2008

Further information on UA 320/07 (EUR 72/012/2007, 30 November 2007) - Torture/Ill-treatment
SLOVAKIA Mustapha Labsi (m), aged 37, Algerian national

On 22 January, the Supreme Court of Slovakia decided that extradition of Mustapha Labsi to Algeria is admissible. The Slovakian authorities are now preparing to forcibly return him, which would put him at serious risk of torture. Only the Minister of Justice now has the power to stop the extradition.

Algerian national Mustapha Labsi has been in custody in the Slovak capital, Bratislava, since 3 May 2007 after Algeria requested his extradition. Mustapha Labsi was tried in his absence in Algeria and sentenced to life imprisonment on charges related to terrorism. He applied for asylum in Slovakia on 27 June; this was refused on 24 September. The Bratislava Regional Court ruled on 30 November that the authorities could extradite him. Mustapha Labsi appealed against this decision, but following the Supreme Court ruling on his case, the Minister of Justice is the only one who can halt his forcible return.

Slovakia is a state party to the International Covenant of Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the European Convention for the Protection of Human Rights and Fundamental Freedoms, which expressly prohibit the return of anyone to a country where they would be at risk of torture.

The Slovak authorities are known to have obtained diplomatic assurances from Algeria that if Mustapha Labsi were to be returned he would have the right to a new, fair trial, where he would be entitled to legal representation, in front of a regular criminal jury. Algeria also gave assurances that Mustapha Labsi could not legally be sentenced to death for the crimes he has been charged with. Anyone in Algeria suspected of involvement in terrorist activities, or who is believed to possess information about terrorist activities, whether in Algeria or abroad, faces a real risk of secret detention and torture. The Slovak authorities should not base a decision to extradite Mustapha Labsi on any promises made by Algerian diplomats. These informal, unenforceable promises to ensure respect for Mustapha Labsi's rights are made outside the framework of international law. Such "assurances" do not obviate the Slovak authorities' obligation not to send a person to a place where they would face a real risk of human rights violations.

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

- calling on the Minister of Justice to halt immediately the planned extradition of Mustapha Labsi to Algeria, where he would be at risk of serious human rights violations, including torture;
- pointing out that returning Mustapha Labsi to Algeria would be a breach of Slovakia's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and other international human rights law;
- asking the authorities not to accept any diplomatic assurances from Algeria, which would allow them to return him;
- reminding the authorities that under international law, Slovakia is absolutely prohibited from returning anyone to a country or territory where they would be at risk of torture or other serious human rights violations.

APPEALS TO:

Minister of Justice
Mr Štefan Harabin
Župné námestie 13
81311 Bratislava
Slovakia
Fax: +421 2 593 53 601
Email: minister@justice.sk
Salutation: Dear Minister

Public Defender of Rights
Pavel Kandráč
Verejný Ochranca Práv
Kancelária Verejného Ochrancu Práv
P.O.Box 1
820 04 Bratislava
Slovakia
Fax: +421 2 48 287 203
Email: sekretariat@vop.gov.sk
Salutation: Dear Public Defender of Rights

State Prosecutor
General Prosecutor of the Slovak Republic
International department
Kvetná 13, P. O. Box 147,
820 05 Bratislava 25
Slovakia
Fax: +421 2 554 23 196
Email: generalna.prokuratura@genpro.gov.sk
Salutation: Dear State Prosecutor

COPIES TO: diplomatic representatives of Slovakia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY!