

PUBLIC

AI Index: EUR 46/061/2005

08 December 2005

Further Information on UA 280/05 (EUR 46/041/2005, 27 October 2005) - Torture/Health Concern/Arbitrary detention

RUSSIAN FEDERATION

Rasul Kudaev (m), aged 27

Rasul Kudaev's state-appointed lawyer, Irina Komissarova, has been removed from his case after she filed a complaint that he had been tortured. She has probably been replaced, but the new lawyer has made no contact with Rasul Kudaev's family. His lawyer had been the family's sole means of contact with him, so they now have no information about whether he has been charged, or the state of his health. It is thought that he is still being denied adequate medical treatment.

On 3 November, Irina Komissarova submitted an official complaint to Kabardino-Balkaria lawyers' association, the Russian Federal Human Rights Ombudsperson and the Procurator of Kabardino-Balkaria. In it she gave an account of the torture Rasul Kudaev told her he had suffered, and of his apparent injuries. She said that Rasul Kudaev told her that he had been beaten severely on 23 October at the Headquarters of the Organized Crime Squad (UBOP) in Nalchik, beaten again on 25 October at the pre-trial detention centre (SIZO) on his lower torso and on his heels. Reportedly on 28 October he had been taken from the SIZO to an office that appeared to belong to a law enforcement agency, where he was beaten and tortured with electric shocks. Another man who had been held with Rasul Kudaev at the SIZO in Nalchik, Kabardino-Balkaria, also reportedly told Rasul Kudaev's family that he had been given electric shock treatment, beaten, and bound up with tape and kicked round "like a football".

Irina Komissarova stated that when she visited her client at the UBOP on 24 October, he was sitting in a contorted position on a stool, holding his stomach, with many scratches on his face. He was semi-conscious, and so badly injured he was unable to speak properly or lift his head up to look at anyone. She visited him at the SIZO two days later: this time he could not walk unassisted, and had to be practically carried in to see her. She stated that he seemed unable to sit up straight due to the pain, and had bruising on his face. On 27 October, Irina Komissarova had submitted a written request to the authorities for a medical examination of Rasul Kudaev. Agreement to carry out such a medical examination seems to have been given by the procurator's office on 8 November, but the family do not know the results of the examination.

Irina Komissarova was called in for questioning at the office of the procuracy in Kabardino-Balkaria on 9 November. The questioning apparently concerned her complaint that her client had been tortured and ill-treated. The following day, the investigator from the procurator's office in charge of the case formally removed Irina Komissarova from the case, as she had been questioned as a "witness" to the case and therefore could no longer act as a defence lawyer.

BACKGROUND INFORMATION

On 13 October a group of up to 300 gunmen launched attacks on government installations in Nalchik, including the building of the Federal Security Service (FSB), police stations and the TV centre. They also attacked the nearby airport. Chechen opposition leader Shamil Basaev has claimed responsibility for the attack. More than 100 people, including at least 12 civilians, are reported to have been killed in the gun battle that followed, and many wounded. Following the raid, law enforcement officials have detained dozens, perhaps hundreds of people in Kabardino-Balkaria. There are reports that many of the detainees are being tortured.

Irina Komissarova is one of three lawyers representing people detained following the October raid, who have been suspended. The three complained about their suspension to the Nalchik City Court on 14 November. The court ruled against them on 17 November; they have appealed to the Supreme Court of Kabardino-Balkaria, which has not yet ruled on the appeal.

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

- reminding the authorities that under national and international law no confession extracted under duress can ever be used in criminal proceedings;
- expressing serious concern that lawyer Irina Komissarova has been removed from the case of Rasul Kudaev simply for filing a complaint that he had been tortured;
- expressing concern for Rasul Kudaev, who has allegedly been beaten and tortured during interrogation by law enforcement officials; and that he is not receiving the medical treatment he needs;
- urging the authorities to ensure that Rasul Kudaev is allowed to see an independent doctor for a medical examination of his injuries, and all necessary treatment, and also to see his family and a lawyer of his choice;
- reminding the authorities of their obligation to respect national and international law which prohibits ill-treatment and torture, and calling for an independent and impartial investigation into allegations that Rasul Kudaev and other detainees in Nalchik have been tortured, with those found responsible brought to justice.

APPEALS TO:

Procurator General of the Russian Federation

Vladimir USTINOV

General Procuracy of the Russian Federation

Ul. B. Dimitrovka 15a

103793 Moscow K-31, Russian Federation

Fax: + 7 095 692 8848 (if someone answers say "fax please")

Salutation: Dear Procurator General

Minister of Internal Affairs

Rashid NURGALIYEV

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Fax: + 7 095 230 25 80

Salutation: Dear Minister

COPIES TO:

Procurator of Kabardino-Balkaria

Yurii KETOV

Procurator of Kabardino-Balkaria

Ul. Kuliev 16

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Ombudsman for Human Rights

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and to diplomatic representatives of the Russian Federation accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 19 January 2006.