

URGENT ACTION

LAWYER DEMANDING TO SEE CLIENT THREATENED

A lawyer in Karachaevo-Cherkessia (North Caucasus, Russia) is being unlawfully denied access to a client held incommunicado, and is receiving threats.

Criminal defence lawyer **Vyacheslav Merzakulov** was contracted on 17 June to defend **Atam Achmiz**, who had been taken to a temporary detention facility (IVS) in Cherkessk, the capital of Karachaevo-Cherkessia. According to international and Russian national law, a criminal suspect placed in detention has the right to see a lawyer immediately. However, in the five days following Atam Achmiz's detention, Vyacheslav Merzakulov has been denied access to his client. Duty officers at the IVS told Vyacheslav Merzakulov that they received direct orders from the investigator not to let him see Atam Achmiz, which is unlawful. The lawyer has filed multiple complaints with the Russian authorities, but to no effect. He also believes his client may have been subjected to torture and an ambulance crew he saw entering the IVS facility further raised his suspicions. Meanwhile, on 18 June, the Ministry of the Interior reported that Atam Achmiz had confessed in the killing of a local official in 2004. Vyacheslav Merzakulov is concerned that the reported confession may have been extracted under torture and the continuing incommunicado detention of his client is a further indication of this.

On 20 June, an unknown man came up to Vyacheslav Merzakulov in the street and "warned" (in his own words) the lawyer to stay away from this case. When Vyacheslav Merzakulov spoke on the phone to the official in charge of the investigation against Atam Achmiz and demanded access to his client, the investigator warned the lawyer that he himself may face criminal charges of libel if he continues to publicly state that he is being unlawfully denied access and that his client may have been tortured.

Please write immediately in Russian or your own language:

- Demanding that Vyacheslav Merzakulov is given immediate access to Atam Achmiz and insisting that incommunicado detention violates his human rights and contradicts international and Russian law;
- Urging the Russian authorities to ensure that Atam Achmiz is not being subjected to torture or other ill-treatment;
- Urging the Russian authorities to promptly and effectively investigate the threats against Vyacheslav Merzakulov and urge them to ensure his safety.

PLEASE SEND APPEALS BEFORE 02 AUGUST 2013 TO:

Prosecutor of Karachaevo-Cherkessia
Republic

Oleg Yu. Ponasenko
Ul. Krasnoarmeiskaya, 62
Cherkessk, 369000
Karachaevo-Cherkessia Republic
Russian Federation
Fax: +7 495 987 5841

Salutation: Dear Prosecutor

Acting Minister of the Interior for KChR

Mukhammed N. Bzhunaev
Ministry of the Interior
Ul. Voroshilova, 5
Cherkessk, 369000
Karachaevo-Cherkessia Republic
Russian Federation
Fax: +78782253297

Salutation: Dear Colonel Bzhunaev

Prosecutor General of the Russian
Federation

Yurii Yakovlevich Chaika
Prosecutor General's Office
Ul. B Dmitrovka, d.15a
125993 Moscow GSP-3
Russian Federation
Fax: +7 495 987 5841

Salutation: Dear Prosecutor

If possible, please supply a return address. This will legally compel the Russian officials to reply.

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Torture of criminal suspects in detention is reported regularly from the North Caucasus region and across the Russian Federation as whole. One of the first indications of torture is the denial of access to a lawyer or one's choice. This is most likely because a lawyer can document signs of torture and other ill-treatment, file an official complaint and demand investigation of the incident.

Criminal defence lawyers in the North Caucasus who actively confront human rights violations of their clients by members of law enforcement agencies are often subjected to intimidation, harassment, improper interference and reprisals in connection with their work. On repeated occasions, including this year, Amnesty International has raised concerns in connection with death threats and physical violence faced by lawyers in the region. In March 2013, Amnesty International published a report *Confronting the circle of injustice: threats and pressure faced by lawyers in the North Caucasus* (AI Index: EUR 46/003/2013, <http://amnesty.org/en/library/info/EUR46/003/2013/en>) which documents an atmosphere of intimidation and harassment of criminal defence lawyers in the region, and highlights numerous cases of threats and physical violence by members of law enforcement agencies against lawyers in the region in connection with their professional activities.

Principle 16 of the United Nation's Basic Principles on the Role of Lawyers states that "governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics." Also, "[w]here the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities" (Principle 17).

Name: Vyacheslav Merzakulov, Atam Achmiz

Gender: Both male

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