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Torture/Health Concern/Arbitrary detention

RUSSIAN FEDERATION

Rasul Kudaev (m), in his 20s

Former Guantánamo prisoner Rasul Kudaev has reportedly been beaten and tortured in detention in Nalchik, in the North Caucasus region of Kabardino-Balkaria. His life is reportedly in danger from the injuries he has sustained, and he has also been denied the medication he needs for existing serious health problems. He remains at risk of further torture.

Before he was detained, Rasul Kudaev was said to have been seriously ill and has difficulty moving due to a bullet embedded in the base of his spine, reportedly received while in US custody in Afghanistan; he also suffers from disorders affecting his heart and liver and he suffers headaches due to pressure within his skull (intracranial pressure), which he allegedly developed while detained in Guantánamo. He had been unable to get urgently needed medical treatment in Russia because the authorities had reportedly refused to give him the necessary identification papers, and needs to take medication daily.

Rasul Kudaev was detained by law enforcement officers on 23 October, allegedly on suspicion of participation in an armed raid by gunmen on Nalchik on 13 October. The officers detaining Rasul Kudaev reportedly beat him in the presence of members of his family. When his mother protested against the ill-treatment and pointed out that he was an invalid, the officers allegedly said that the real beating had not even started. His mother attempted to hand the detaining officers his medication, but reportedly they refused to take it.

Rasul Kudaev was then said to have been taken to the headquarters of the Organized Crime Squad (UBOP) in Nalchik where he was tortured, including by being repeatedly kicked in the head, and forced to sign a record of the interrogation. According to these reports, shortly after his detention, officers at the UBOP summoned medical personnel to treat him in detention, due to the seriousness of his condition. While at the UBOP premises, Rasul Kudaev signed a record of interrogation in which he admitted to being present at the scene of a crime. When he signed the paper, he was semi-conscious, and so badly injured he was unable to speak properly or lift his head up to look at anyone, since his head was lolling to one side. He was reportedly subsequently transferred to a pre-trial detention centre (SIZO) in Nalchik. On 25 October a court in Nalchik ruled that he should be further detained on suspicion of "terrorism", "participation in an armed group", and "attempt on the life of a law enforcement official" in relation to the Nalchik raids (Article 205 part 3, Article 209 part 2, and Article 317 of the Russian Criminal Code). Under Russian anti-terrorism legislation a suspect can be held for 30 days without charge.

According to his family, officials at the UBOP headquarters and the SIZO have refused to give them any information as to Rasul Kudaev's current whereabouts and his state of health. His mother also visited the ambulance service for details of his condition and the treatment they reportedly provided him, but was told that the information is confidential. The only person that currently has access to Rasul Kudaev is a lawyer appointed by the state, who has reportedly informed the family that Rasul Kudaev is currently in SIZO, and that his health condition is serious. The lawyer intends to submit a request for a medical examination for Rasul Kudaev. The family have so far been unable to find an independent lawyer willing to represent him.

Rasul Kudaev was one of eight Russian inmates held at Guantánamo Bay, spending three years there, having been transferred there from US custody in Afghanistan. He was among the seven Russian inmates subsequently transferred from Guantánamo Bay to Russia in late February 2004. Amnesty International expressed concern at the time that they were at risk of facing serious human rights violations on their return (see follow ups to UA 356/03, AMR 51/147/2003, 4 December 2003).

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. The nearby airport was also attacked. Shamil Basaev, a Chechen opposition leader, has claimed responsibility for the attack. More than 100 people, including at least 12 civilians, are reported to have been killed during the ensuing shooting between law enforcement officials and the gunmen, and many wounded. Following the raid, law enforcement officials have detained dozens, perhaps hundreds of people in Kabardino-Balkaria. There are reports that other detainees are being tortured.

Cruel. Inhuman. Degrades us all.

Stop torture and ill-treatment in the "war on terror"

For more information on AI's campaign see <http://web.amnesty.org/pages/stoptorture-index-eng>

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

- expressing concern at reports that Rasul Kudaev has been beaten and tortured during interrogation at the UBOP premises, and that he is not receiving the medical treatment he needs;
- urging that Rasul Kudaev is allowed access to a doctor able to carry out an independent medical examination of his injuries, and his family;
- urging that Rasul Kudaev receives all necessary medical care while he remains in detention in accordance with provisions set out in the UN Standard Minimum Rules for the Treatment of Prisoners, and that he is transferred to hospital if doctors deem this necessary;
- reminding the authorities that under national and international law no confession extracted under duress can be used in criminal proceedings;
- 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 has been subjected to torture, with those found responsible brought to justice.

APPEALS TO:

Procurator of Kabardino-Balkaria

Yurii KETOV

Procurator of Kabardino-Balkaria

Ul. Kuliev 16

360000 Nalchik, Russian Federation

Fax: +78662 477 442

Salutation: Dear Procurator

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

Ul. Zhitnaia, 16

117049 Moscow, Russian Federation

Fax: +7 095 237 49 25 or +7 095 230 25 80

Salutation: Dear Minister

COPIES TO:

Ombudsman for Human Rights

Vladimir LUKIN

47 Ulitsa Miasnitskaia, 103084 Moscow, Russian Federation

Fax: +7 095 207 3977

E-mail: **press-sl@ropnet.ru**

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

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 9 December 2005.