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Torture in Russia: ‘Torture is a traditional component of “proof”’

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Rasul Kudaev’s photos from before and after he was held in police detention in Russia are so different from each other, he hardly looks like the same person.

That’s what happened to him after being tortured to confess to a crime he says he didn’t commit.

In October 2005, Rasul was arrested on suspicion of participating in terrorist attacks on government installations in Nalchik, capital city of the Republic of Kabardino-Balkaria in the North Caucasus region of Russia.

But Rasul was already a marked man. He had only been freed from the US detention centre in Guantánamo Bay, Cuba, a year and a half earlier.

In 2002, he was detained by the US in Afghanistan and sent to the detention centre in Guantánamo Bay where he was held without charge or trial.

He was eventually sent back to Russia in February 2004 and re-arrested shortly after.

But the fact that Rasul was tortured to confess to a crime is, sadly, not uncommon in Russia.

The situation is particularly dire in the North Caucasus where law enforcement agencies are rarely held accountable for human rights abuses.

Amnesty International’s research found that detainees held under terrorism charges are routinely denied access to a lawyer, or a legal representative of their own choice, during the first hours, and sometimes days, of their detention.

Often, authorities fail to inform relatives about the whereabouts of their loved ones or even to confirm that the person was taken into official custody.

Routine abuse

The risk of torture is highest during the early days of detention.

Access to medical care for victims of torture in detention is limited or sometimes plainly denied, and effective investigations into allegations of torture, virtually non-existent.

Torture methods frequently reported by the victims such as Rasul include beatings, being hit with plastic bottles filled with water, rifle butts, truncheons and poles; threats of sexual violence, suffocation and electric shock. Some are held in solitary confinement and blindfolded during interrogation.

After his arrest, Rasul was taken to Nalchik’s Organized Crime Squad and then transferred to a pre-trial detention centre where he has been waiting for his case to be resolved. His allegations of torture, which are supported by photographic evidence, have been rejected by the

prosecution.

Authorities in Russia have, so far, presented little concrete evidence against Rasul other than “confessions” extracted through torture.

Some of the individuals who testified against Rasul during the preliminary investigation withdrew their statements during the trial saying that their testimonies had been extracted under duress.

During the trial, some of his neighbours testified that on 13 October 2005, the day of the attack on Nalchik, they saw Rasul in the suburb of Khasanya, where he lives, around four miles from Nalchik. Other witnesses testified that they were talking on phone to Rasul throughout the day as they were concerned about his wellbeing.

An impossible job

Batyr Akhilgov, a lawyer who has worked on several high-profile cases in the North Caucasus republics of Ingushetia, North Ossetia and Kabardino-Balkaria, took on Rasul's legal defence in December 2011.

He knew it was going to be a difficult case. That is because, he says, working on human rights issues in Russia, is a dangerous job.

Over the last few years, Batyr himself encountered barriers in his job. He alleges that several prosecutors and a judge filed complaints against him on spurious grounds, and demanded that disciplinary proceedings be initiated against him.

They alleged that Batyr had been disrespectful of the prosecution, and cited his statement in court in which he drew parallels between that court hearing and those of Stalin's era.

So far, none of the complaints has led to disciplinary proceedings and he is still able to practise law.

Batyr believes the accusations are a way of harassing him for his human rights work.

“Being a human rights lawyer in Russia is difficult. There is a constant anxiety, stress, fear for safety. The lawyer understands that he alone opposes the current system of ‘medieval’ justice, where the presumption of innocence does not exist and torture is a traditional component of ‘proof’,” he told Amnesty International.

“He lives aware of the fact that his telephones are tapped, that he may become the subject of surveillance or may be subjected to pressure or violence. Honesty and integrity threaten his security.”

Forced ‘confessions’

“Modern justice in Russia adheres to the principle that ‘confession is the queen of evidence’. Even if all other evidence contradicts the confession of the accused, the very confession obtained under torture, which is apparent to everyone – the defendant will still be convicted,” Batyr said.

A month after his arrest, Rasul and his then lawyer filed a complaint about the torture and other ill-treatment he had suffered. The lawyer was later removed from the case by the court over some procedural issues.

Since then, Rasul and his lawyers have been struggling to get a court to hear and consider his complaint, which he eventually submitted to the European Court of Human Rights after failing to attain justice in Russia.

In the meantime, no one has been held responsible for the abuse Rasul suffered.

“The fact that torture and other ill-treatment are routinely used, coupled with a virtual lack of investigations into the abuses, makes it almost impossible to deliver true justice,” said David Diaz-Jogeix, Europe and Central Asia Deputy Programme Director at Amnesty International.

Batyr is clear when it comes to what he expects to happen in his client’s case.

“I would like things to develop in respect of law and conscience. But this is only a dream in today’s reality,” he said.

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