

PUBLIC

AI Index: EUR 46/019/2008

15 May 2008

Further Information on UA 215/07 (EUR 46/035/2007, 21 August 2007) and follow-up (EUR 46/006/2008, 16 January 2008) Medical concern/Unfair trial

RUSSIAN FEDERATION

Rasul Kudaev (m) aged 30

Rasul Kudaev, who has allegedly been tortured and ill-treated in detention, remains in poor health and needs independent medical tests and treatment. The former Guantánamo detainee faces a trial at which the evidence against him may include a "confession" allegedly extracted under torture.

Rasul Kudaev was held at Guantánamo Bay, Cuba, between 2002 and 2004. He was held without charge or trial before being released and returned to Russia. On 23 October 2005, he was arrested on suspicion of involvement in an armed attack on government installations in the city of Nalchik in the Republic of Kabardino-Balkaria. He is being held in pre-trial detention in Nalchik.

According to his mother, Fatimat Tekaeva, who last visited him at the end of April, he suffers from constant migraines and has a liver complaint. Doctors at the pre-trial detention centre (SIZO) where he is being held claim that recent tests which were carried out to discover if he has hepatitis were negative. In early April, the detention centre administration and the families of the detainees agreed that Rasul Kudaev and other sick detainees could be assessed by an independent doctor. The families are still trying to find a doctor who is able to take on the task. Meanwhile according to Rasul Kudaev's lawyer, he has now been put on a drip and is receiving more medical attention than previously, and the prison authorities pass on to him the medication that his mother brings to the detention centre.

The Supreme Court of Kabardino-Balkaria has held several preliminary court hearings in the case of Rasul Kudaev and 57 other defendants accused of similar offences. The preliminary hearings are ongoing and the court has so far turned down petitions from nine defendants to rule their "confessions", which they say were obtained through torture, inadmissible. This refusal was made on the basis that the Investigative Committee at the Prosecutor's office has refused to open a criminal case on torture allegations in these nine cases, following the further review ordered by the Supreme Court on 11 January 2008. The court is due to rule on other similar petitions in relation to many of the other defendants, in the coming hearings. It is expected that Rasul Kudaev will be lodging a similar petition.

In April 2008, Fatimat Tekaeva told Amnesty International that she and her son Rasul Kudaev, as well as the other defendants in his case and their relatives, appreciate the organization's campaign for justice for them. She said: "Thank you for your persistent attention to the case. The support of Amnesty International has played an important and useful role, not only for my family but also for all relatives of the men detained in this case."

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

- urging the authorities to ensure that Rasul Kudaev receives adequate medical evaluation and treatment, including access to an independent doctor;
- urging the authorities to immediately, thoroughly, independently and impartially investigate allegations of torture and other ill-treatment of Rasul Kudaev and other defendants in this case;
- urging the authorities to ensure that steps are taken to ensure no statements obtained under or as a result of torture or other ill-treatment are invoked or relied on as evidence at the trial against Rasul Kudaev and the other defendants;
- recognizing it is the duty of the Russian authorities to bring those responsible for the armed attack on Nalchik to justice, but stating that the achievement of true justice for the victims of the attack on Nalchik and their surviving families, as well as respect for the rule of law, requires that international standards be assiduously respected in the course of the proceedings.

APPEALS TO:

Head of the Investigation Committee of the Office of the Prosecutor of the Russian Federation
Deputy Prosecutor General
Aleksandr Bastyrkin
Ul. B. Dimitrovka, d.15a
125993 g. Moscow GSP- 3
Russian Federation

Fax: +7 495 692 1725

Salutation: Dear Deputy Prosecutor General

Head of the Investigation Committee of the Republic of Kabardino-Balkaria
Office of the Prosecutor of the Republic of Kabardino-Balkaria
Prospekt Kulieva, 16
360000 Nalchik
Republic of Kabardino-Balkaria
Russian Federation

Fax: +7 8662 477 442 (if someone answers say "fax please")

Salutation: Dear Head of the Investigation Committee

COPIES TO:

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360000 Nalchik
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Yuri CHAIKA
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Ul. B. Dimitrovka 15a
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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 26 June 2008.