

URGENT ACTION



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UA 01/09

Fear of torture or other ill-treatment/unfair trial

RUSSIAN FEDERATION

Murad Akhmedovich Gasaev (m), aged 34

Ethnic Chechen Murad Akhmedovich Gasaev, who is a Russian citizen, was extradited to Russia by the Spanish authorities on 31 December. He is now in a detention facility in Moscow, but is soon to be transferred to a pre-trial detention center in the North Caucasus region of southern Russia. Amnesty International is concerned that Murad Gasaev is at risk of being subjected to torture and other ill-treatment, and is likely to receive an unfair trial.



According to the Russian authorities, Murad Gasaev is a member of an armed group named *Khalifat* and “took part in several terrorist attacks against representatives of the state and law enforcement officers in the North Caucasus,” including a June 2004 armed attack on a Ministry of the Interior building in the capital of the Republic of Ingushetia, Nazran.

One man convicted of involvement in the June 2004 attack is known to have named Murad Gasaev when he was questioned about his accomplices. This man told the Russian human rights organization Memorial that he had been detained in January 2005, and tortured during interrogation; he had given Murad Gasaev's name, but had retracted his statement completely when he was brought to court.

Murad Gasaev has alleged that in August 2004 he was tortured and questioned by officials of the central office of the Federal Security Service in Ingushetia about the June 2004 attack. After three days of torture he was taken in a van and released in open country.

BACKGROUND INFORMATION

The extradition of Murad Gasaev had originally been approved following an assurance from the Russian authorities that Murad Gasaev would be able to receive visits from the Council of Europe Committee for the Prevention of Torture (CPT) while in custody. However, the CPT was not notified of this arrangement until after the extradition had been approved and when it became aware of the arrangement it immediately informed the Spanish authorities that it was unable to undertake the commitments made on its behalf. Despite this, the Spanish authorities proceeded with the extradition on the basis that the Spanish Embassy in Moscow would monitor the conditions of detention of Murad Gasaev. According to the Spanish Ministry of Justice the Spanish Embassy has no previous experience of conducting such a task, but claimed that other embassies had undertaken similar monitoring functions, albeit with “certain difficulties”, in the past.

Amnesty International and other human rights organizations working in the region have researched many cases over recent years where individuals, in particular ethnic Chechen and Ingush men, have been charged with and

Amnesty International's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.

convicted of terrorism-related offenses, based on forced confessions and other testimony extracted under torture. The organization has concluded that an individual accused of acts of terrorism may not receive a fair trial in Russia and could be at risk of being subjected to torture and other ill-treatment.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible:

- expressing concern that Murad Gasaev, who was extradited from Spain on 31 December, might be subjected to torture and other ill-treatment by law enforcement officers while in detention;
- reminding the authorities that they are obliged by international and Russian law to ensure that detainees are not tortured or otherwise ill-treated;
- reminding the authorities that Murad Gasaev should be accorded full protection of Russian and international law when in detention, including immediate access to a lawyer of his choice, access to his family and any medical attention he may require;
- urging the authorities that if Murad Gasaev is charged with a recognizable criminal offense, he should be tried in proceedings that meet internationally recognized standards of fair trial.

APPEALS TO:

(Please note that fax machines are often switched off outside office hours, EST +9)

Prosecutor General

Yurii Yakovlevich Chaika
Prosecutor General's office
Ul.B.Dimitrovka, d.15a
125993 Moscow GSP-3, RUSSIAN FEDERATION
Fax: 011 7 495 692 17 25
Salutation: Dear Prosecutor General

**Head of the Investigation Committee of the
Prosecutor General's office**

Deputy Prosecutor General
Alexandr Ivanovich Bastrykin
Prosecutor General's office
Ul.B.Dimitrovka, d.15a
125993 Moscow GSP-3, RUSSIAN FEDERATION
Fax: 011 7 495 692 17 25
011 7 495 692 28 61
Salutation: Dear Deputy Prosecutor General

Director General of the Federal Security Service

Alexandr Vasilievich Bortnikov
Federal Security Service
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Moscow 101000, RUSSIAN FEDERATION
Fax: 011 7 495 625 05 78
Salutation: Dear Director General

COPIES TO:

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D. Juan Antonio March Pujol
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PLEASE SEND APPEALS IMMEDIATELY.

Check with the AIUSA Urgent Action office if sending appeals after 17 February 2009.