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## **Dark Days in Prisons at Home and Abroad**

Suspected militant from Caucasus suffered at Guantanamo and now back home, family says.

Kim Murphy

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NALCHIK, Russia -- When Fatima Tekayeva heard that her son was about to be returned to Russia from the U.S. detention facility at Guantanamo Bay, Cuba, she felt an aching fear.

Don't do it, she begged anyone who would listen. It's bad there, yes. It's worse here. Please don't send my son home.

All the same, the scenario unfolded like a scripted nightmare. Rasul Kudayev was put on a plane back to Russia. Soon he was released. He came home to the Caucasus region nothing like the broad-shouldered wrestling champion who had gone off to study Islam with the Taliban in Afghanistan.

He could barely walk unaided. His eyes were yellow from hepatitis, his heart fluttered, his head throbbed, family members said. Kudayev would sit up in the kitchen all night, telling his brother how guards at Guantanamo forced him to take medicine that made him sick and left him alternately to freeze and suffocate by opening and closing the ventilation system in a cramped isolation cell. By morning, his stories spent, he would fall asleep.

It ended as Tekayeva feared it would.

On Oct. 23, a truckload of soldiers showed up outside the family's small house and seized Kudayev, accusing him of having participated in an attack by Islamic militants on police and government targets in Nalchik 10 days earlier. Tekayeva threw her body in front of her son's thin frame.

"Handcuffs, what handcuffs?" she wailed. "He's already had enough handcuffs for a lifetime!" But he disappeared into the feared Department 6 organized crime unit of the Kabardino-Balkaria police.

Kudayev, 27, is a veteran of an increasingly borderless campaign against terrorism, in which suspects may be ferried among prisons around the globe without facing trial. He survived a hellish uprising at an Afghan prison, followed by two years at Guantanamo, only to find himself in the hands of Russian police.

Several days after local police arrested Kudayev, his lawyer was brought in to witness his confession.

"He looked awful," attorney Irina Komissarova said. "He couldn't sit or stand straight because of the pain he experienced. He dragged one of his feet and couldn't step down on it. His face was covered with cuts and scabs."

Komissarova filed a complaint. Russian authorities responded last month by dismissing her from the case, saying that the complaint made her a witness. But Komissarova has continued to follow developments. Last week, after she alleged that Kudayev had been beaten again, this time so severely that his leg was broken, authorities opened a criminal investigation against her for allegedly revealing investigative secrets.

As a boy, Kudayev was not particularly religious, said his brother, Arsen Mokayev. When he was named wrestling champion of the republic of Kabardino-Balkaria in 1996, "my mother would say, 'I wish he were pious. But that's not his way.' "

That changed as the North Caucasus felt the effects of unemployment, ethnic resentment and corruption, as well as Islamic militancy and harsh police tactics spilling over from nearby Chechnya.

Kudayev left to study Islam in Saudi Arabia. From there, he made his way to Afghanistan. How, when and why he went there is unclear. Many young Muslims said later they had idealized the Islamic state established by the Taliban.

Mokayev said his brother was attempting to flee Afghanistan with men from Tajikistan, Uzbekistan and elsewhere in Central Asia when they were captured by the U.S.-backed Northern Alliance and imprisoned in the ancient Qala-i-Jangy fortress at Mazar-i-Sharif.

A three-day uprising at the prison in November 2001 was crushed by Northern Alliance fighters and U.S. airstrikes. Only about 60 of the more than 500 prisoners survived.

Kudayev and many other non-Afghans were handed over to U.S. forces for eventual transfer to Guantanamo. Many of his letters from the prison there had large sections blacked out by censors, Mokayev said. But he told Tekayeva that he was being fed well and allowed to perform religious rituals.

When U.S. authorities sent Kudayev and six others from Guantanamo back to Russia in March 2004, they said they still considered the men a threat and that Russia had pledged to detain and investigate them. Russia filed charges but released the men in late June of that year.

Kudayev's mother said she barely recognized him when he arrived at her two-room house outside Nalchik. Several other former prisoners came with him and stayed until their families could pick them up.

"When I saw them at first, they were white, and you could look through them. You could blow on them and they would fall," she said.

Kudayev rarely left the house. He walked with difficulty. A bullet had been lodged in his thigh since Afghanistan that needed to be surgically removed, his family said. For unexplained reasons, the Americans never operated, and Kudayev could not get the surgery in Russia because authorities refused to return his passport, a prerequisite for free access to the healthcare system.

His liver was swollen from the hepatitis he and several other Russian prisoners said they contracted at

Guantanamo. Heart and blood-pressure problems sometimes left him unable to rise off the couch. He had frequent headaches. All of it, his family said, dated to Guantanamo, although he had also been beaten by Russian security forces shortly after his return to his homeland.

Family members said Kudayev was haunted by his treatment at the U.S. naval base prison.

"There was constant psychological pressure on him," Mokayev said. "Imagine a man sitting in a cage for days on end, being constantly watched by another person who keeps writing down everything that the caged man does and ignoring him even when he speaks to him. Never turning off the lights. Just imagine that."

Mokayev said his brother told him of being forced to kneel with his hands cuffed to his ankles, being sprayed with a gel that caused a painful rash, then carried out, still shackled, and hosed down with a stream of water. Kudayev and several other prisoners said Guantanamo guards would turn up the air conditioning to the freezing point, then turn it off until breathing became difficult.

He was forced to take unidentified pills that gave him chest pains and made his muscles feel like stone.

"They beat them if they didn't want to take these pills, and they would administer them by force to them," Tekayeva said. "Afterward, he would just hunch into a fetal position."

The U.S. has denied forcing medication or any other abuse at Guantanamo but as a matter of policy does not comment on individual cases.

"All detainees in custody at Guantanamo, without exception, are treated humanely and are provided excellent medical care by dedicated medical professionals," said Lt. Col. Jeremy M. Martin, director of public affairs for the U.S. military in Guantanamo Bay.

At home, Mokayev would stay with his brother most days while Tekayeva worked at a clinic. At night, they reversed and Mokayev went out to work at odd jobs. They seldom left Kudayev alone. Police had been watching their house constantly since his return, and on several occasions had brought him in for brief questioning.

On Oct. 13, as many as 200 militants attacked police and government targets in Nalchik, and more than 135 militants, police and civilians died in a day of fierce fighting. Family members insist that Kudayev was home. They say they left him alone only for about 15 minutes, when Mokayev took their mother to work.

Prosecutors say Kudayev headed a group of eight people assigned to attack a police rest house and the residence of the president of the republic. The assault was halted in a battle with traffic police on the outskirts of Khasanya, the small suburb where Kudayev lives, in which one officer was killed, Russian Deputy Prosecutor General Nikolai Shepel told the Los Angeles Times in responses to written questions.

"Kudayev admits [in his confession] that he had a semiautomatic rifle and had been assigned to lead a group of armed people," Shepel said. "At the same time, the arrested members of Kudayev's group are giving testimony about his participation in the armed battle with police officials, and about his heading the group."

On Nov. 22, 12 days after his lawyer was dismissed, Kudayev was charged with terrorism, banditry, attempted murder of a police officer, homicide and illegal trade in weapons, ammunition and explosives.

Komissarova, the lawyer, said Kudayev was so weak when she saw him that he had to be dragged into the room by two police officers.

"He told me that since being delivered to this place, he'd constantly been beaten and tortured -- that was his word, 'tortured' -- and he said electric shock had been used," she said.

Another man arrested at the same time, a member of the town council and the pro-government United Russia party, said he could hear the sound of beatings as he entered the prison area.

"All you could hear around you were thuds of blows, bangs and kicks behind cell walls, and screams and moans of the people who were being beaten up there," Ramazan Tembotov told The Times. "They were howling like injured animals."

One family was told that their son had committed suicide by throwing himself from a second-story window.

"I heard police officials talking about how ... they're trying to get information out of people, and how people are thrown out a window, taken back and thrown out again," said Larissa Dorogova, a lawyer for another suspect who also has been removed from her case. "And that way, they're forced to talk."

Russian media reports say 2,000 Nalchik-area residents have been detained for questioning since the Oct. 13 events. Few families acknowledge their sons went to war against the police. Most insist they were somewhere else at the time. Kudayev's family dismisses the idea that he went to Afghanistan to fight with the Taliban or be trained as a terrorist.

"If this were the case, do you think the Pentagon would have let him go?" Mokayev asked.

To Komissarova, Kudayev has the right to go to trial unmolested and represented by the lawyer of his choice, regardless of whether he was at home on the couch or in a gunfight.

"Neither I nor a single other lawyer will ever say that these are nice, wonderful guys. The only issue we're drawing attention to is the protection of their rights -- as detainees, as suspects, as defendants," she said.

"We hear so many law enforcement officials tell us, 'Oh, there you go, defending them,' " she said. "But the institution of defense has not been annulled in our country, has it?"