

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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New Report Shows Why 'Diplomatic Assurances' Don't Work

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Former Guantanamo detainees who were sent home to Russia in 2004 experienced torture and other abuse despite Moscow's pledge to the US government that they would be treated humanely, Human Rights Watch said in a new report released today.

The Russian prisoners experience illustrates why the United States should stop relying on diplomatic assurances of fair treatment to justify sending prisoners from Guantanamo Bay to countries where they are at risk of torture.

The seven Russians were all detained soon after the US invasion of Afghanistan and eventually spent about two years in Guantanamo. Although they complained of mistreatment by the Americans, all of the detainees repeatedly asked authorities at Guantanamo not to be returned to Russia because they expected to be treated worse there. And indeed, three of them experienced serious torture and ill-treatment after being arrested in Russia. Two of them were convicted at unfair trials, and all of them have been harassed and hounded by Russian law enforcement.

The 43-page report, [The Stamp of Guantanamo: The Story of Seven Men Betrayed by Russias Diplomatic Assurances to the United States](#), reconstructs the experiences of the detainees after being returned to Russia in March 2004, based on interviews with three of the detainees, their family members, lawyers, and others. Access to the ex-detainees is limited because three of them are in prison and the rest have either managed to leave the country or are in hiding.

The Russian experience shows why diplomatic assurances simply dont work, said Carroll Bogert, associate director of Human Rights Watch and author of the report. Governments with records of torture dont suddenly change their behavior because the US government claims to have extracted some kind of assurance from them.

The Convention against Torture stipulates that no person may be sent back to a country where he is at real risk of torture and allows no exceptions on national security or other grounds. The United States is a party to the convention and is therefore violating international law in transferring prisoners to countries where they may face torture. A US government statement to Human Rights Watch made it clear that Washington was aware of the threat of torture in Russia.

Many countries are attempting to deport or extradite terrorism suspects with diplomatic assurances, including the United Kingdom, Canada, Austria, Netherlands, and Switzerland.

Human Rights Watch urged the US government to establish screening procedures so that a person being transferred from Guantanamo Bay has an effective opportunity to challenge his transfer before an impartial body. Such procedures should also allow a detainee to challenge the reliability of any diplomatic assurances the US government may have secured.

The US government has cleared some 80 detainees for release or transfer from Guantanamo, but continues to hold them in detention nevertheless. Human Rights Watch urged that any procedure to evaluate detainees fear of torture need not impede the pace of returns, or the ultimate goal of shuttering the Guantanamo detention facilities entirely.

The US government says that Russian authorities promised to prosecute the detainees on terrorism charges and to treat them humanely. They did neither. After three months in Russian custody, during which they were not abused, all seven ex-detainees were released and attempted to resume normal lives in Russia, which proved impossible.

Rasul Kudaev, a resident of Kabardino-Balkaria in southern Russia, was detained after an armed uprising in the provincial capital in October 2005. According to photographs, medical records, court documents, and the testimony of lawyers and family members, Kudaev was repeatedly beaten in custody in an effort to compel him to confess to involvement in the uprising. He has still not been prosecuted

for his alleged role in the uprising, but remains in custody nearly a year and a half later.

Ravil Gumarov and Timur Ishmuratov, both residents of the Russian republic of Tatarstan, were detained in April 2005 in connection with an explosion on a local gas pipeline in which no one was killed or injured. They were beaten in custody until they confessed; Gumarov was deprived of sleep for approximately one week and shackled to a small cage with his hands over his head, among other abuses.

Gumarov and Ishmuratov recanted their confessions at trial and were acquitted by the jury in September 2005. However, local prosecutors got the verdict annulled and won a conviction in May 2006.

What happened to the former detainees is pretty standard for a lot of suspects in police custody in Russia, said Bogert. But that's just the point. The US government knew that these men would likely be tortured, and sent them back to Russia anyway.

Two of the detainees told Human Rights Watch that US interrogators at Guantanamo had threatened to send them back to Russia if they did not divulge information about their alleged terrorist activities.

The detainees and their families described frequent harassment by Russian police and security services, particularly the Federal Security Service, the successor to the KGB, and the Organized Crime Department of the Ministry of the Interior. I was told many times [by Russian authorities] that after my time in Guantanamo, it wasn't necessary to prove I was a terrorist, former detainee Airat Vakhitov told Human Rights Watch. That any one of us could be thrown in jail because we were terrorists.

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