

Human Rights Watch

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

<https://www.hrw.org/news/2009/05/21/us-least-one-recidivist-tortured-confess-terrorism>

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Russian Authorities Severely Beat an Ex-Guantanamo Detainee

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(New York) - The US Defense Department's claim that a former Guantanamo detainee is a "recidivist" to terrorism appears to be based on a confession obtained by Russian authorities through torture, Human Rights Watch said today.

According to media reports, an unreleased Pentagon study has concluded that about one in seven of the 534 detainees who have been transferred from the [Guantanamo Bay detention center](#) returned to terrorism or militant activity.

The former detainee, Rasul Kudaev, has been held for more than three years in pretrial detention in Nalchik, a city in southern Russia, where he is accused of participating in an October 2005 armed uprising against the local government. Human Rights Watch's investigations into Kudaev's case found that he was severely beaten soon after his arrest to confess to crimes.

"If the Pentagon relied on forced confessions for the evidence to prove recidivism, then its conclusions are pretty questionable," said Carroll Bogert, associate director of Human Rights Watch. "Terrorism is a label that is widely abused by many of the governments who have taken back their citizens from Guantanamo."

Kudaev is one of seven Russian citizens whom the US government picked up in Afghanistan after September 11, 2001 and sent to Guantanamo. They were returned to Russia in 2004 despite their fears of being tortured and ill-treated back home. Human Rights Watch detailed their harassment and mistreatment by Russian authorities in a 2007 report, "[The Stamp of Guantanamo](#)."

Human Rights Watch interviewed Kudaev's mother, lawyer, and others familiar with the case in 2006. His mother and others say that Kudaev was at home during the Nalchik uprising and that injuries he sustained while being arrested in Afghanistan, which worsened in detention at Guantanamo, made it impossible for him to leave the house, much less participate in armed conflict.

"The detainees begged not to be returned to Russia because they knew they would be tortured there," said Bogert. "Kudaev's case doesn't prove that ex-Guantanamo detainees are likely to return to terrorism. It proves that they should not be sent home to countries that routinely use torture."

Another Russian former Guantanamo detainee, [Ruslan Odizhev](#), was shot dead in 2007 in what local police claimed was an exchange of small-arms fire in Nalchik. His mother told Human Rights Watch in 2006 that he had been repeatedly and brutally tortured by security officials before he left Russia for Afghanistan, and that after his return from Guantanamo, he disappeared at least partly to avoid further mistreatment.

Another Russian former Guantanamo detainee has received political asylum in the Netherlands and is living quietly there. In all, more than 40 former detainees, most of them European citizens or residents, are now living in Europe. None is known to have engaged in militant or other violent activity.

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