

**TF954
MINUTE**

TF954 NZDN2011/001/LEGAL

25 Apr 11

DGDLS (Through: DD Ops Law)

For Information: SNO OP WAATEA

MONITORING VISIT REPORT – MUSA KHAN/MOHAMMAD MUSA

1. The above named detainee was visited by LSO NZFOR-A on 25 Apr 11 at the Detention Facility in Parwan (DFiP) where he is currently held. The following is a report of that visit and the interview conducted.

The DFiP

2. By way of background, the DFiP is a large, purpose built facility housing approximately 2045 detainees. The staff at the DFiP are almost exclusively military, made up of a combination of MP leadership, a guard force and intelligence staff. A tour of the facility was provided, as was comprehensive information in respect of its operations. The facility contains several wings of detainee housing in both segregated and communal areas. The facility operates a re-integration programme with dedicated buildings and facilities, a medical clinic and small hospital, a pharmacy, prison garden and beehives, as well as an intelligence collection suite. Detainees are monitored at all times by cameras and sentry overwatch, and all intelligence interviews are recorded by two cameras, the records of which are dispatched to the US for review and archiving. In order to protect the detainees from trips and falls, they are conveyed in wheelchairs whenever moved between separate of the facility.

3. The ICRC regularly visit the ~~PSR(IC)~~ **DESCRIPTION OF ICRC MONITORING**

Visits are allowed, provided that the detainee has a clean disciplinary record. Facilities are provided for both contact and non contact visits, the latter being conducted through a glass screen. These facilities include a separate waiting area for male and female visitors, a playground, a medic on duty to treat visitors, and gifts of school supplies for visiting children.

4. Visitors to the facility are not permitted to carry cameras or recording devices, however photos were taken of the NZ visit by DFiP staff. Once these photos are obtained, a detailed report of the operations and facilities of the DFiP will be submitted in concert with the images. A photograph of the detainee has been

provided by the facility staff, and is attached at Annex A. While the taking of the photograph was not witnessed, I can certify that it is an accurate representation of Musa Khan/Mohammad Musa as he appeared during the interview.

Musa Khan/Mohammad Musa

5. The detainee is accommodated in a 980 square foot cell, which is currently shared with 26 other detainees. They each have an individual sleeping mat, blankets, a Qur'an and prayer cap. Showers and toilets are adjacent to each of these cells. He appears to be in good health, and unconcerned with his current situation, treatment or future. The single complaint he voiced was in regard to the search process he was subjected to, as his genitals were touched. He states that this is something that he does not approve of, although without being insistent or displaying anger. His principle response to most questions is that the situation is from God, and that he is happy to accept whatever God wishes to send.

6. The detainee repeatedly states that he does not wish to interact with infidels, and as such has not had contact with any human rights organisations or with his US JAG appointed advocate. The only interest he conveyed during the interview was to serve God and study the Qur'an. He exercises every second day by playing football, showers every second day, and receives clean clothes every fourth day. He states that he has no welfare concerns, desires for better food, treatment, or even release, and also conveys this with his general unconcerned demeanour and attitude.

7. The detainee states that he has not received any visits, and that he is unsure if his family knows where he is, advising that he is not able to contact them. This appears to be inconsistent with the information provided by the DFiP Commander, and it is considered a point is worthy of further exploration, both with the DFiP and the ICRC.

Continued Detention

8. Whether the detainee is to remain in the DFiP will be considered by a Detainee Review Board (DRB) on 3 May 11. The detainee is aware of this process, and states that he is not interested in participating, or speaking with his advocate. It is pertinent to note that a DRB is a non-judicial administrative hearing, which focuses on whether the detainee poses a continuing security threat, not whether he is guilty of any crime.

Next Steps

9. Detailed advice in respect of the facilities and procedures of the DFiP, and the operation of DRBs will be submitted presently. Subject to your concurrence, the point in respect of visits and family contact will be explored further with the DFiP staff and the ICRC. Once further information about the conduct of DRBs has been submitted, your direction will be sought in respect of what, if any, action should be taken in respect of the hearing of 3 May 11.

Conclusion

10. Based on the observations from the visit, I advise that the DFiP is a secure, clean, and safe facility that is professionally operated. It appears that detainee welfare and safety is paramount, and there is no indication of mistreatment or neglect of detainees. Musa Khan/Mohammad Musa has virtually no complaints about his detention, conditions or treatment, and seems unconcerned with his situation.

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LSO NZFOR-A

Annex:

A. Current Photo of Musa Khan/Mohammad Musa

Annex A to:
TF954 NZDN2011/001/LEGAL
dated 25 Apr 11

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