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BRIEFING NOTE FOR MINISTER OF DEFENCE

<b>Title:</b>	TRANSFER OF DETAINEE TO AFGHAN CUSTODY		
<b>NZDF File No.</b>	NZDF Tracking # 3130/DSC/CRIB 204/13	Minister's Tracking#:	
<b>Priority:</b>	ROUTINE	Request Ministerial response by:	
<b>Contact:</b>	1. Brigadier Kevin Riordan	Tel: PSR(IC)3	A/H: PSR(IC)3
<p>1. This note is to inform you of the transfer of NZ Detainee 0002, detained by NZ forces during an operation in Afghanistan 4-5 August 2012 from United States (US) custody to Afghan custody.</p> <p>2. In late March the US formally transferred responsibility for the Detention Facility in Parwan to the Afghanistan Government. The facility was renamed the Afghan National Detention Facility in Parwan (ANDF-P). As part of the transfer process, the US has begun formally transferring detainees to Afghan control. On 30 March 2013 the US transferred NZ Detainee 0002 to Afghan custody at ANDF-P following the transition of the detention facility to Afghan control. Pursuant to an Exchange of Letters between the US and NZ, the US are required to notify NZ that such a transfer has taken place. HQNZDF received notification of the transfer on 9 April 2013.</p> <p>3. New Zealand's obligations under international law regarding detainee monitoring will continue. Our Embassy in Kabul will remind the Afghan government of these obligations as well as its own obligations towards NZ Detainee 0002.</p> <p>4. It is recommended you:</p> <ul style="list-style-type: none"> <li>a. Note that on 30 March 2013 the US transferred NZ Detainee 0002 to Afghan custody at Afghan National Detention Facility in Parwan (ANDF-P) following the transition of the detention facility to Afghan control;</li> <li>b. Note that New Zealand's obligations under international law regarding detainee monitoring will continue. Our Embassy in Kabul will remind the Afghan government of these obligations as well as its own obligations towards NZ Detainee 0002; and</li> <li>c. Refer this note to the Minister of Foreign Affairs and inform the Prime Minister, and Attorney General of the transfer.</li> </ul>			
<b>Minister's Comments:</b>			
<b>Minister's Action:</b>	Signed / <input checked="" type="checkbox"/> Noted / Agreed / Approved / Declined / Discussion required		
	Referred to Hon M. Cullin, PM		
<b>Signature:</b>			Date: 15/4/13

R.R. JONES  
Lieutenant General  
Chief of Defence Force

Date: 12 April 2013

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