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NEW ZEALAND DEFENCE FORCE  
COVER SHEET

To accompany documents to the  
Minister of Defence

<b>Subject:</b>	DETAINEE TREATMENT - AFGHANISTAN		
<b>NZDF File No.</b>	NZDF Tracking # <i>332/2011</i> <i>(For OCDF Use Only)</i>	Minister's Tracking#: <i>(For Minister's office)</i>	
<b>Priority:</b>	ROUTINE / URGENT	Request Ministerial response by:	
<b>Contacts:</b>	1. BRIG Kevin Riordan	Tel: <b>PSR(IC)3</b>	A/H:

Sheet not to exceed one page. Please complete shaded areas.

<b>Purpose:</b>	To seek the Minister's <b>approval</b> to request that MFAT engage with the Afghan Government in formal correspondence regarding the UNAMA Report allegations.
<b>Recommendations:</b>	It is recommended that the Minister: <ul style="list-style-type: none"> <li>a. <b>Note</b> that the NZDF has examined further measures that could be implemented to remove or reduce the risk of UNAMA reported allegations from occurring in the future; and</li> <li>b. <b>Approve</b> that I request MFAT to engage with the Afghan Government in formal correspondence regarding the UNAMA Report allegations, and to seek assurances that steps will be taken to prevent further events.</li> </ul>
<b>MOD/NZDF Consultation</b>	Required/ <b>Not required</b> (provide reasons):
<b>Minister's comments:</b>	
<b>Minister's Action:</b>	Signed / Noted / Agreed / Approved / Declined / Discussion required Referred to:
<b>Signature:</b>	<b>Date:</b>

  
R.R. JONES  
Lieutenant General  
Chief of Defence Force

Date *19 October 2011*

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3304 AFG

17 October 2011

**Minister of Defence**

**DETAINEE TREATMENT - AFGHANISTAN**

1. In the course of responding to the UNAMA report on the treatment of detainees by government institutions in Afghanistan we have been examining what further realistic measures we could implement to remove or reduce the risk of such events occurring in the future. We have, for example, examined whether it would be possible for NZDF personnel in Kabul to exercise greater control over the decision by Afghan authorities as to where an individual arrested by them was to be incarcerated. We have advised that this is not possible from a number of practical and legal perspectives.
2. There is one area of endeavour which should, in my view, be commenced. MFAT should be requested to engage with the Afghan Government in formal correspondence which:
  - a. advises the Afghan Government that the New Zealand Government is concerned about the allegations contained in the UNAMA report;
  - b. seeks assurances that steps will be taken by the Government of the Islamic Republic of Afghanistan to prevent further abuse in the future; and
  - c. seeks assurances that no-one who has been arrested in the course of a partnered operation between NZDF and Afghan forces has been subjected to torture or inhuman treatment.
3. We can also, in this correspondence, reinforce our own commitment to assisting Afghan forces in the humane and professional conduct of their duties.
4. Communications of this sort will play a part in our ability to deal with the suggestion that such partnership amounts to complicity in abuses that, despite the efforts of the international community, may continue to occur. If you agree I will engage with MFAT to draft such a document.

  
**R.R. JONES**  
Lieutenant General  
Chief of Defence Force