

From: ISED
Sent: Friday, 11 November 2011 4:32 p.m.
To: KABUL
Cc: ISED; PSR(R)1
PSR(R)1

Subject: RE: FORMAL MESSAGE: 20111018: RELEASE OF UNAMA DETAINEE REPORT
Attachments: TPs for KBL on UNAMA Report.doc

(conveyed + mod)
by column)

HANDLING INSTRUCTIONS

HQNZDF: PSR(IC)3
Defence: PSR(IC)3
NZ Police: PSR(IC)3
GCSB: PSR(IC)3

SUMMARY

We ask that you convey to the Afghan government New Zealand's serious concerns with the findings contained in the United Nations Assistance Mission in Afghanistan (UNAMA) report on *Treatment of Conflict-Related Detainees in Afghan Custody* and seek appropriate assurances.

ACTION

Grateful you seek a call PSR(R)1 to convey the attached messages.

REPORT

Following the release of UNAMA's report on *Treatment of Conflict-Related Detainees in Afghan Custody* (the "Report"), we ask that you convey to the Government of Afghanistan New Zealand's serious concerns at the findings contained in the Report and seek additional assurances as to the treatment of detainees, especially those taken during NZSAS / CRU partnered operations. Minister of Foreign Affairs has endorsed this approach.

2 PSR(R)1

PSR(R)1

We ask you to draw on the attached talking points (which have been

approved by the Minister) to:

- express New Zealand's grave concerns at the findings in the Report;
- seek renewed assurances that detainees taken during NZSAS/CRU partnered operations will not be mistreated; and
- seek assurances that detainees taken during past NZSAS/CRU partnered operations have not been mistreated.

3 Grateful you report back the outcomes of your discussion.

**UNAMA Detainee Report: Talking Points for discussions in Kabul with
PSR(R)1
GIRoA representatives**

We think it important to place on record New Zealand's concern at the findings of the UNAMA Detainees Report and to seek additional assurances as to the ongoing treatment of detainees. The purpose of the calls therefore is to:

- express New Zealand's grave concern about the findings of the UNAMA report;
- seek renewed assurances that detainees who are taken during NZSAS/CRU partnered operations will not be mistreated; and
- seek assurances that detainees taken during past NZSAS/CRU partnered operations have not been mistreated.

Talking points

- The UNAMA Report on the Treatment of Conflict-Related Detainees in Afghan Custody causes the New Zealand Government grave concern.
- We welcome the Afghan government's cooperation with UNAMA in preparation of the report and its initial proactive and constructive response. We are encouraged by the corrective and preventative measures already put in place. We also welcome UNAMA's finding that detainee mistreatment is neither institutional nor government policy.
- The New Zealand Government has regularly raised this issue with the Government of Afghanistan, including when the New Zealand Minister of Defence visited Kabul last August. We have previously received assurances from the Afghan Government covering the treatment of any detainees transferred to Afghan authorities¹.
- It is disappointing that, despite these assurances, the UNAMA report has exposed significant ongoing torture and mistreatment of detainees in Afghan custody. As a result, I have been asked by my Government to reiterate New Zealand's position on the matter, and our expectation that the assurances we have received will be honoured.
- We seek assurances that prisoners taken by the Afghan authorities during NZSAS-partnered operations in the past have not been mistreated.
- I have also been asked to seek these same assurances for any future prisoners apprehended by Afghan authorities during partnered operations with NZ forces.

¹ Those assurances are that detainees transferred by New Zealand forces to Afghan authorities will be treated in accordance with applicable international humanitarian and human rights laws and the international obligations of both governments.