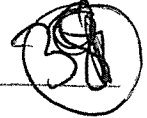


Part 31



From: PSR(IC)3 (ISED)
Sent: Wednesday, 19 October 2011 3:08 p.m.
To: ...MFA P/S (Inet); ...MFA P/S (Inet)
Cc: PSR(IC)3 (DS MLG); PSR(IC)3 (ISED); PSR(IC)3 (LGL);
PSR(IC)3 (LGL); PSR(IC)3 (CEO Office); PSR(IC)3 (MEA); PSR(IC)3
PSR(IC)3 (MEA)
Subject: MFAT issues meeting: NZ response to UNAMA Report on Detainees
Attachments: 2643252-v1-UNAMA_Detainee_Report_-_talking_points_for_Kabul.doc

Hi MFA P/S/MFA P/S

Following the release of the UNAMA report on detainees, we and NZDF thought there would be value in our Ambassador in Kabul making representations on the issue to the Afghan government. Although New Zealand has no rights at all in relation to Afghans arrested by the CRU and other Afghan authorities, this need not stop us making such representations. We should be realistic as to the difference that such action would make but we think it important nevertheless to place on record our concern at the findings of the report and to seek additional assurances as to the ongoing treatment of detainees, especially those captured by Afghan authorities in partnered operations with the NZDF.

NZDF has been consulted on the attached draft talking points and has separately recommended to Minister Mapp that we take this course of action in Kabul.

PSR(IC)3 will talk to this tomorrow. He will be accompanied by PSR(IC)3

Regards

ISED

19/10/2011

UNAMA Detainee Report: Talking Points for NZ Ambassador in Kabul in meetings with Afghanistan representatives

MFAT and NZDF think it important to place on record early 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.