

From: PSR(IC)3 (ISED)  
Sent: Tuesday, 11 October 2011 9:25 a.m.  
To: ...MFA P/S (Inet); ...DPMC FPA (Inet)  
Cc: PSR(IC)3 (DS MLG); PSR(IC)3 (ISED); PSR(IC)3 (ME); PSR(IC)3 (ISED); PSR(IC)3 Acting Director: International (INB); PSR(IC)3 (KBL); PSR(IC)3 (BIN); PSR(IC)3 (IDG, GLO); PSR(IC)3  
Subject: FW: UNAMA Report on Detainees 11 Oct  
Attachments: 2636895-v1-UNAMA\_Report\_on\_Detainees\_11\_Oct.doc

MFA P/S/DPMC FPA

Here are some updated points on the UNAMA report. Largely the same as previously with some slight updating to reflect that the report is now public. I haven't got into the matter of whether/when Dr Mapp's report will be released. You may want to talk to his office about that.

The attached lines have been cleared with Defence Legal. They will also send this to their Minister's office.

I'm still going through the report so may have further updates.

Cheers

ISED

## UNAMA Report on Treatment of Detainees in Afghanistan

In early September the UN Assistance Mission in Afghanistan (UNAMA) produced a report on the treatment of detainees by the Afghan National Police (ANP) and National Directorate of Security (NDS), as well certain Ministry of Justice facilities. The report was released by UNAMA on 10 October, once the Government of the Islamic Republic of Afghanistan (GIROA) had had time to consider it. The report details widespread human rights violations against detainees in a number of ANP and NDS facilities. This includes the use of torture to obtain confessions. The allegations are regarded as well-founded and credible.

2 In response, ISAF has undertaken a series of measures including:

- suspending the transfer of detainees to all 16 facilities apparently named in the report (the number of facilities apparently named has been rising over time);
- joint ISAF/Afghan inspections of named facilities;
- re-training for staff at named facilities;
- support to Afghan officials responding to the report;
- joint ISAF/Afghan visits to and assessments of all facilities that take Coalition detainees;
- remedial training for NDS and ANP.

These actions are in line with the recommendations in the UNAMA Report. Advice from Kabul is that the response of the Afghan Government and the agencies involved has been positive and they are engaging positively with UNAMA and ISAF to address the issues in the report.

3 The New Zealand SAS in Kabul have only taken one detainee during their current deployment (since August 2009), which reflects their role of mentoring the Afghan Crisis Response Unit (CRU). The CRU takes prisoners during partnered operations. The one person detained by the SAS is in a joint US/Afghan facility and so is not covered by the report (which only looks at Afghan facilities). We are monitoring the detainee's treatment on a regular basis and so far he reports that he has been well treated.

4 The CRU does take detainees during operations partnered by the New Zealand SAS. Some of these detainees have been transferred to NDS 17 in Kabul. However, this facility has only a few allegations in respect of it (three out of 50 interviews) which UNAMA has not yet confirmed as credible. Transfers to NDS 17 have not been suspended, although it could be affected in future.

### Possible Lines of Response

Obviously we are very concerned about the findings of the UNAMA Report, which draws attention to the continuing problems with which the Government of Afghanistan is dealing.

We understand that the ISAF response to the Report has been swift and wide ranging, recognising the importance of this issue. Action taken to date includes joint inspections of Afghan facilities named in the report and facilities which take Coalition detainees and retraining for staff, as recommended by UNAMA.

I am advised that the response from the Afghan Government has been positive and that both the NDS and the Afghan National Police are engaging with UNAMA and ISAF in addressing the report's findings.

This report does not appear to directly affect the procedures for dealing with Afghans detained by New Zealand forces, or Afghans arrested by the Crisis Response Unit, which the New Zealand SAS is mentoring. There is mention in the report of a facility to which some detainees taken by the CRU have been transferred, but the allegations in respect of that facility have not yet been confirmed as credible by UNAMA. It is not one of the facilities to which ISAF has stopped transferring prisoners.

The New Zealand SAS has detained only one person during its current deployment (since 2009). That person is in a joint US/Afghan facility. The UNAMA Report only relates to Afghan Government facilities. We are continuing to monitor the treatment of the detainee taken by the SAS and he reports that he is being well-treated.

If raised: ceasing completely the transfer of Coalition detainees to Afghan authorities is not a practical option. But ISAF's response to the report has been swift and wide-ranging and will be on-going.

*International Security and Disarmament Division*  
*WELLINGTON*

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