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LGL/SIC/PEACE/AFG.

Part 3



**From:** PSR(IC)3 (ISED)  
**Sent:** Wednesday, 19 October 2011 12:02 p.m.  
**To:** PSR(IC)3 (DS MLG); PSR(IC)3 (ISED); (LGL)  
**Cc:** PSR(IC)3 (LGL); PSR(IC)3 (ISED); PSR(IC)3 (MEA)  
**Subject:** RE: UNAMA Report: NZ Response  
**Attachments:** 2643252-vR-UNAMA\_Detainee\_Report\_-\_talking\_points\_for\_Kabul.DRF

[CONFIDENTIAL]

DS MLG some draft talking points attached for your discussion with the Minister tomorrow. ISED has more familiarity with the issue so he will accompany you in the meeting.

We've been asked to send this note across by 1500 today so please let me know if you have any comments by then if possible..

PSR(C)3

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**From:** PSR(IC)3 (DS MLG)  
**Sent:** Monday, 17 October 2011 7:38 p.m.  
**To:** PSR(IC)3 (ISED); PSR(IC)3 (ISED); PSR(IC)3 (LGL)  
**Cc:** PSR(IC)3 (LGL); PSR(IC)3 (ISED); PSR(IC)3 (MEA)  
**Subject:** RE: UNAMA Report: NZ Response

[CONFIDENTIAL]

I think Kevin's idea is very sound. We will have to clear it with the Minister PSR(IC)2

The tricky part is how we ensure that Dr Mapp is brought into this.

Grateful views. My inclination is to follow a less formal route, at least initially. But we will need something on paper - and this week, as the Minister is off to CHOGM early next week.

PSR(IC)3

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**From:** PSR(IC)3 (ISED)  
**Sent:** Monday, 17 October 2011 10:12 a.m.  
**To:** PSR(IC)3 (DS MLG); PSR(IC)3 (ISED); PSR(IC)3 (LGL)  
**Cc:** PSR(IC)3 (LGL); PSR(IC)3 (ISED); PSR(IC)3 (MEA)  
**Subject:** UNAMA Report: NZ Response

[CONFIDENTIAL]

I spoke to Kevin Riordan this morning about the NZ response to the UNAMA Report. He asked whether we had given thought to tasking the Ambassador in Kabul with making representations to GIROA with a 3-fold purpose:

- 1 to express our grave concern about the findings of the UNAMA report;
- 2 to seek assurances that detainees who were taken during NZSAS/CRU partnered operations would not be mistreated; and
- 3 to seek assurances that detainees taken during past NZSAS/CRU partnered operations had not been mistreated.

21/10/2011

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He agreed (as per discussions on this last year) that we had no rights at all regarding Afghans arrested by the CRU, but that this need not stop us making such representations PSR(C)1

He said that the Minister of Defence's comments last week were not on the basis of his advice - he said he briefed the Minister with the note we had prepared and circulated.

He also said that MinDef has tasked Defence with preparing a separate report on the implications of the UNAMA Report (ie, separate from the report which NZDF produced last year on NZ culpability for torture of Afghan detainees in a general sense which he was preparing to release in September when news of the UNAMA report first came out). He said he will send us a copy of this. He is just finalising the draft for internal consultation but expects it to go to his Minister within a day or two. Contrary to the earlier report, he said that this "contains no law" but looks at the facts on the ground.

Kabul

I think there is some basis for asking to place on record our concerns (ie, reinforcing concerns expressed when MinDef visited Kabul last year in light of the new information in the UNAMA report) and seek assurances. Unless there are alternative views, we will have a think about some talking points and consult on those over the next day or two PSR(C)1