

TF954 File Number

February 2011

Deputy Assistant Secretary of Defense (Detainee Policy)
2100 Defense Pentagon
Washington, DC 20301-2100
UNITED STATES OF AMERICA

TRANSFER OF DETAINEE: MOHAMMAD MUSAR

Introduction

1. The above named individual, also known as Musa Khan ("the Detainee"), was detained by New Zealand forces under my command at the Old Range, in the vicinity of Bagram Air Field, Afghanistan, on 30 January 2011 at approximately 1500 hours.
2. As New Zealand does not operate a detention facility in Afghanistan, and lacks the capacity to establish such a facility, the Detainee was transferred to the Battlefield Detention Facility at Bagram Air Field at approximately 1900 hours on the day of his capture.
3. It is requested that you now formally accept custody of the Detainee on behalf of the United States Government, subject to the conditions of transfer set out in this letter.

IDENTIFICATION DETAILS

4. Identification details for the Detainee are as follows:
 - a. NZ Detainee Number: 2011/001
 - b. Gender: Male
 - c. Year of Birth: 1989
 - d. Father's Name: PSR(Sen)1

PSR(IC)4

NZDF accepts the conditions proposed by the US and in accepting records the understanding of the NZ Government that transfer will be subject to conditions to ensure compliance with New Zealand's obligations under applicable international law, in particular:
the Convention against Torture 1989;
the Second Optional Protocol to the International Covenant on Civil and Political Rights 1989;
and Common Article 3 of the Four Geneva Conventions of 1949

The letter also reflects New Zealand's requirements that the transfer also comply with New Zealand's Guidance on Detention of Non-ISAF personnel which requires the prior approval of COMJFNZ and CDF to any transfer (see Guidance, released publicly on the Inquiry's website, ROE tranche document 4, pg 7, para 9) so that persons deprived of their liberty were not handed over in circumstances where their lives and safety were likely to be at serious risk. These conditions of transfer reflect the relevant international law and procedure to be followed including respect to provision of information, monitoring and a follow up mechanism as necessary.

PSR(IC)4

PSR(IC)4

PSR(IC)3

Senior National Officer
Commander, Task Force 954

I hereby accept custody of the abovementioned Detainee on behalf of United States Forces – Afghanistan and agree to the conditions of transfer set out above.

PSR(IC)4

Deputy Assistant Secretary of Defense (Detainee Policy)

Date: