



**SECRET (CEO)**

December 13, 2007  
Memo has been  
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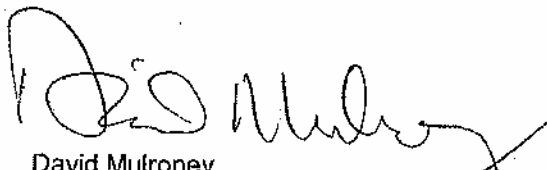
**Drafter:** Christopher Gibbins / Afghanistan  
Task Force / 995-6962


**FOR INFORMATION**

<b>TO:</b>	<b>The Minister of Foreign Affairs</b>
<b>ISSUE:</b>	Detainees: Follow-up visit by Canadian Officials to Ministry of Justice Sarposa Prison in Kandahar, September █████ 2007

**SUMMARY:**

Please find attached a report (KANDH0082) on a follow-up visit by Canadian officials to the Ministry of Justice's Sarposa Prison in Kandahar City on September █████ 2007. Canadian officials interviewed the three detainees in question, all of whom had been previously interviewed by Canadian officials when held at the National Directorate of Security facility. During this visit, one detainee alleged that he had been mistreated. Canadian officials have also informed senior Afghan officials in Kabul of these allegations, expressed our concerns, and requested an investigation.

  
 David Mulroney  
 Associate Deputy Minister of Foreign Affairs  
 and Interdepartmental Coordinator  
 for Afghanistan

  
 Leonard J. Edwards  
 Deputy Minister of Foreign Affairs

**Canada**

Document Number / Numéro du document: C-728

2010 07 15

Receipt Date / Date reçue: July 23, 2010

769

1 of 8

Redacted by AG

Receipt Date: July 23, 2010

CURRENT SITUATION:

1. Sarposa Prison in Kandahar City is operated by the Government of Afghanistan's Ministry of Justice, and is one of two facilities in Kandahar at which Canadian-transferred detainees are held. The Canadian Forces generally transfer all detainees to the National Directorate of Security (NDS) facility in Kandahar. After processing at the NDS facility, the individual is either released or transferred to the Ministry of Justice Sarposa Prison. According to the Supplementary Arrangement signed by Canada and the Government of Afghanistan on May 3, 2007, Afghan authorities have an obligation to inform Canada of any change of material circumstances of a Canadian-transferred detainee. This includes a transfer to another facility.
2. On the occasion of a visit to the NDS facility in Kandahar on September [REDACTED] 2007, (DFA-0025), Kandahar Provincial Reconstruction Team (KPRT) officials were informed that [REDACTED] detainees had been transferred to the Ministry of Justice's Sarposa Prison in Kandahar. The site visit to Sarposa Prison was undertaken to determine the status and condition of those [REDACTED] detainees. No advance notice of the visit was given to the NDS and Canadian officials were admitted to the facility immediately.
3. The PRT visit team met with Warden Qadir and reviewed the names of the [REDACTED] Canadian-transferred detainees the NDS had indicated had been transferred to Sarposa since the end of June. Sarposa officials were able to confirm that [REDACTED] of the [REDACTED] detainees in question were at Sarposa Prison. Canadian officials will return to the NDS facility shortly to review NDS records and determine the status of the other [REDACTED] detainees.
4. Canadian officials interviewed the three detainees in question, all of whom had been previously interviewed by Canadian officials when held at the NDS facility. During this visit, one detainee alleged that he had been mistreated.
5. This detainee had been interviewed by Canadian officials on two previous occasions when held at the NDS facility (June [REDACTED] and June [REDACTED], at which time he had made no allegations of abuse. However, he now said that he had not told the truth in previous interviews. He then alleged that during NDS interrogation he had been kept awake for three to four days and made to keep his hands raised above his head. He further said that he was beaten badly, possibly with a power cable or wire, and pointed to his side and his buttocks. He said he hadn't shared this information with the International Committee of the Red Cross (ICRC) or asked for a doctor.
6. Canadian officials have informed the ICRC and the Afghanistan Independent Human Rights Commission (AIHRC) of these allegations. As in past instances, Canadian officials will encourage the AIHRC, as the Afghan body constitutionally responsible for the monitoring and investigation of possible human rights abuses in Afghanistan, to follow up on these allegations with Afghan authorities in Kandahar and Kabul. Canadian officials have also informed senior Afghan officials in Kabul of these allegations, expressed our concerns, and requested an investigation.



**SECRET – Réserve aux Canadiens**

02438-2007

Christopher Gibbins / Groupe de travail sur l'Afghanistan /  
995-6962

**POUR INFORMATION**

<b>DESTINATAIRE :</b>	<b>Ministre des Affaires étrangères</b>
<b>OBJET :</b>	Détenus : Visite de suivi de représentants canadiens à la prison Sarposa du ministère de la Justice à Kandahar, le [REDACTED] septembre 2007

**RÉSUMÉ :**

Vous trouverez ci-joint un rapport (KANDH0082) sur la visite de suivi effectuée par les représentants canadiens à la prison Sarposa du ministère de la Justice, située dans la ville de Kandahar, le [REDACTED] septembre 2007. Les représentants canadiens se sont entretenus une fois de plus avec les trois détenus en question, qu'ils avaient déjà rencontrés à l'établissement de la DNS. Au cours de cette visite, un des détenus a déclaré avoir été victime de mauvais traitement. Les représentants canadiens ont fait part de ces allégations aux hauts fonctionnaires afghans, ont exprimé nos préoccupations, et ont demandé une enquête.

David Mulrone  
Sous-ministre délégué aux Affaires étrangères  
et coordonnateur interministériel pour  
l'Afghanistan

Leonard J. Edwards  
Sous-ministre des Affaires étrangères

### SITUATION ACTUELLE

1. La prison Sarposa à Kandahar est administrée par le ministère de la Justice du gouvernement de l'Afghanistan; c'est l'un des deux établissements de détention de Kandahar qui accueillent des détenus transférés par le Canada. Généralement, les Forces canadiennes transfèrent tous leurs détenus à l'établissement de détention de la Direction nationale de la sécurité (DNS) situé à Kandahar. Après un examen à la DNS, les détenus sont relâchés ou transférés à la prison Sarposa du ministère de la Justice. Conformément à l'entente supplémentaire conclue entre le Canada et le gouvernement de l'Afghanistan le 3 mai 2007, les autorités afghanes ont l'obligation d'informer le Canada de tout changement de fait important concernant un détenu transféré par le Canada. Cela comprend le transfert à un autre établissement.

2. Le [ ] septembre 2007, lors d'une visite à l'établissement de détention de la DNS situé à Kandahar (DA-0025), des représentants de l'Équipe provinciale de reconstruction de Kandahar (EPRK) ont été informés que [ ] détenus avaient été transférés à la prison Sarposa du ministère de la Justice à Kandahar. Une visite à la prison Sarposa a donc été organisée pour évaluer les conditions de détention de ces [ ] détenus. Aucun préavis n'a été donné à la DNS et les représentants canadiens ont été immédiatement admis dans l'établissement.

3. Les agents de l'EPR ont rencontré le directeur Qadir et ont passé en revue les noms des [ ] détenus transférés par le Canada qui, selon la DNS, avaient été transférés à la prison Sarposa à la fin de juin. Les représentants de Sarposa ont pu confirmer que [ ] des [ ] détenus en question se trouvaient bel et bien à leur établissement. Des représentants canadiens retourneront bientôt à l'établissement de la DNS pour y étudier les dossiers et déterminer le statut des [ ] autres détenus.

4. Les représentants canadiens se sont entretenus une fois de plus avec les trois détenus en question, qu'ils avaient déjà rencontrés à l'établissement de la DNS. Au cours de cette visite, un des détenus a déclaré avoir été victime de mauvais traitement.

5. Le détenu en question avait déjà été interrogé par des représentants canadiens à deux différentes occasions, lorsqu'il se trouvait à l'établissement de détention de la DNS (le [ ] juin et le [ ] juin). Il n'avait alors signalé aucun mauvais traitement. Toutefois, il affirme maintenant qu'il a menti lors des rencontres précédentes. Il soutient que pendant l'interrogatoire de la DNS, on l'a gardé réveillé pendant 3 ou 4 jours et qu'il a dû tenir ses mains levées au-dessus de sa tête. Il a ajouté qu'il avait été violemment battu, peut être avec un cordon d'alimentation ou un câble, et a pointé du doigt ses côtes et ses fesses. Il dit ne pas avoir signalé l'incident au Comité international de la Croix-Rouge (CICR) ou demandé à voir un médecin.

6. Les représentants canadiens ont informé le CICR et la Commission indépendante des droits de l'homme en Afghanistan (CIDHA) de ces allégations. Comme ils l'ont déjà fait par le passé, les représentants canadiens demanderont à la CIDHA, à titre d'organisme afghan constitutionnellement responsable d'assurer une surveillance et de mener une enquête dans les cas possibles de violations des droits de la personne en Afghanistan, de soulever ces allégations auprès des autorités afghanes à Kandahar et à Kaboul. Les représentants canadiens ont fait part de ces allégations aux hauts fonctionnaires afghans, ont exprimé nos préoccupations, et ont demandé une enquête.

**BUCK Kerry -FTAG -DFD -C4**

**From:** GIBBINS Christopher -FTAG -C4  
**Sent:** October 1, 2007 7:38 AM  
**To:** ALEXANDER Vera -OGD -PCO/BCP -C4R; Correctional Services -BH; KABUL -DHOM -C4  
**Cc:** BUCK Kerry -FTAG -DFD -C4; Anderson, Cory -DFA -FTAG -C5  
**Subject:** FW: KANDH0082 - Detainees: Periodic Follow-up Visit to Sarpoza on September [REDACTED]

**SECRET CEO - NOT FOR FORWARD DISTRIBUTION**

Please note that a detention facility visit did not/not take place on July 17.

-----Original Message-----

**From:** KANDH -PRT -DIR -C4R  
**Sent:** September 29, 2007 5:21 AM  
**To:** KANDH -PRT -DIR -C4R; KANDH -KAF -C4R; KABUL -GR -C4R  
**Cc:** MULRONEY David -DMA -C4; BUCK Kerry -FTAG -DFD -C4; GIBBINS Christopher -FTAG -C4; Public Safety -C4R; KABUL -KAF -HOM -C4R; NDHQ +CEFCOM J9 -C4R; NDHQ OTT ADM (POL) -C4; Privy Council Office / Foreign & Defence Policy -C4R; CHOWDHURY Sanjeev -FTAG -DFB -C4; Swords, Colleen -IFM -C5; KANDH -PRT -C4R; KABUL -DHOM -C4; Anderson, Cory -DFA -FTAG -C5  
**Subject:** RE: KANDH0082 - Detainees: Periodic Follow-up Visit to Sarpoza on September [REDACTED]

**SECRET CEO - NOT FOR FORWARD DISTRIBUTION**

NDHQ OTT ADM (POL) - Pls fwd to JAG  
Public Safety - Pls fwd to DM/Hurtubise and CSC Coutler  
PCO/FDP - For S. Cartwright, J. Sinclair and V. Alexander eyes only

Re: Interview with detainee [REDACTED]

We have reviewed our files and wish to clarify that there was no interview with this detainee conducted on 17Jul07 as originally suggested in report below.

John Davison

-----Original Message-----

**From:** KANDH -PRT -DIR -C4R  
**Sent:** September 23, 2007 12:32 PM  
**To:** KANDH -KAF -C4R; KABUL -GR -C4R  
**Cc:** MULRONEY David -DMA -C4; BUCK Kerry -FTAG -DFD -C4; GIBBINS Christopher -FTAG -C4; Public Safety -C4R; KABUL -KAF -HOM -C4R; NDHQ +CEFCOM J9 -C4R; NDHQ OTT ADM (POL) -C4; Privy Council Office / Foreign & Defence Policy -C4R; CHOWDHURY Sanjeev -FTAG -DFB -C4; Swords, Colleen -IFM -C5; KANDH -PRT -C4R  
**Subject:** KANDH0082 - Detainees: Periodic Follow-up Visit to Sarpoza on September [REDACTED]

**SECRET CEO - NOT FOR FORWARD DISTRIBUTION**

NDHQ OTT ADM (POL) - Pls fwd to JAG  
Public Safety - Pls fwd to DM/Hurtubise  
PCO/FDP - For PCO/Cartwright and PCO/Sinclair eyes only

1. On [REDACTED] Sept 2007, PRT Political Director/Davison, CSC Director/Garwood-Filbert and CSC/Leclerc visited the Sarpoza Provincial Prison in Kandahar City to interview Canadian-transferred detainees. Detainees transferred by NDS to Sarpoza are normally being kept because the NDS investigations unit has recommended a case against them. No advance notification of the intention to interview detainees was given to Sarpoza, although a visit had already been formally arranged as part of CSC/Leclerc's familiarization visit to Sarpoza.

2. KPRT met first with Warden QADIR and shared the names of the [REDACTED] Canadian-transferred detainees that NDS had previously told us ([REDACTED] had been transferred to Sarpoza since end of June. QADIR stated that they did not accept NDS prisoners without the proper letter of introduction and photo, but that they did not identify or track detainees as being specifically Canadian-transferred (unlike NDS). Upon arrival a detainees physical condition was noted. QADIR added that NDS now removes the shackles from detainees during the prisoner exchange. The Warden mentioned that there is currently overcrowding in the National Security Unit [REDACTED]

[REDACTED] The CSC Director agreed to look at those cells during the next visit and rectify via KPRT assistance.

**GIBBINS Christopher -FTAG -C4**

**From:** KANDH -PRT -DIR -C4R  
**Sent:** September 23, 2007 12:32 PM  
**To:** KANDH -KAF -C4R; KABUL -GR -C4R  
**Cc:** MULRONEY David -DMA -C4; BUCK Kerry -FTAG -DFD -C4; GIBBINS Christopher -FTAG -C4; Public Safety -C4R; KABUL -KAF -HOM -C4R; NDHQ +CEFCOM J9 -C4R; NDHQ OTT ADM (POL) -C4; Privy Council Office / Foreign & Defence Policy -C4R; CHOWDHURY Sanjeev -FTAG -DFB -C4; Swords, Colleen -IFM -C5; KANDH -PRT -C4R  
**Subject:** KANDH0082 - Detainees: Periodic Follow-up Visit to Sarpoza on September [REDACTED]

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3. We raised the topic of child detainees, meaning those under the age of 18. We explained that in a conversation with General QAYUM of the NDS on 8 Sept that there was now a verbal agreement to have the NDS turn child detainees over to Sarpoza after transfer from Canadian Forces custody with the understanding that the NDS could interview the detainees at Sarpoza. In this way they would not be housed with adult detainees. Warden QADIR stated that he was agreeable to this arrangement and that he would not hinder NDS from conducting their investigations.

4. After consulting their records, Sarpoza officials were able to confirm that [REDACTED] detainees were at Sarpoza (we will be speaking to NDS about the location of the [REDACTED] others). At this point the delegation went to the Officers' Quarters off the cell block where we were permitted to interview the inmates in private. The Political Director conducted the interviews with the CSC Director acting as technical advisor and note taker. All three inmates had previously been interviewed by KPRT at NDS.

5. Reporting follows below per the template defined in Annex C of the Arrangements (MISSION REPORTING TEMPLATE ON PERIODIC FOLLOW-UP VISITS TO ASSESS CONDITION OF CANADIAN-TRANSFERRED DETAINEES).

Drafted: Garwood-Filbert/Davison  
Approved: Davison

DATE OF VISIT: [REDACTED] September 2007

1. Administrative details
  - a. Name of Institution visited  
Sarpoza Provincial Prison, Kandahar City
  - b. Number of security-related detainees overall  
n/a

- c. Number of Canadian-transferred detainees present (since June)
  - (there are CF-transferred detainees in the prison now serving sentences)
- d. Number of Canadian-transferred detainees seen by officials on visit
  -
- e. Nature of interaction with Canadian-transferred detainees
  - Private interviews with 3 detainees
- f. Interaction with any other detainees (allies; general population)
  - n/a
- g. Outline any constraints in accessing Canadian-transferred detainees

We were readily granted access to the holding facility, and then to those with whom we specified we wanted private interviews.

- h. Assessment of operational procedures being followed by relevant prison authorities regarding reception, registration and discharge

Sarpoza does register prisoners on arrival, but does not track Canadian-transferred detainees.

## 2. Overall Situation of Detention

- a. Our first interview was with ■ who was originally transferred to NDS on ■ 2007.

Name ■ / Father's full name ■ / Grandfather's name: ■ / Sex: ■ / Age: ■  
 / Identification Serial Numbers: ■ Place of birth: ■ / Nationality: ■ / Tribe: ■ /  
 General physical condition upon transfer: Good - medically fit, ■

This inmate has been interviewed by KPRT ■ at NDS, on ■. In today's interview he stated he felt good but still had pain in his leg from his old injury. He arrived at Sarpoza ■ ago, making it the ■ and was not aware of today's exact date. He further stated that he had had contact with his family, his cousin having visited on Wednesday and his wife on Sunday. He has free access to the compound in the National Security Unit from 04:00 to 21:00 so there are no issues with access to fresh air. He indicated he had been seen a week ago by the Doctor when he did rounds on the Unit and is receiving medication not for any physical problem with his leg, but as he stated the pain may be more mental than physical. It should be noted that the "doctor" he is referring to is actually a physician's aid.

He stated they eat peas a lot when it's not Ramadan, and that they use their own money to buy food and cook for themselves. There is also free access to water when it is not Ramadan. Showers are a matter of personal choice and you can have 2 a day or 2 a week. Toilets are available any time and after 21:00 you can be let out to use the facilities when you knock on the cell door. He is allowed to interact with other prisoners in his Unit but most of the cells currently ■ which makes it very hot in the summer. His cell houses ■ and he is looking forward to winter. This is consistent with the Warden's earlier comment of ■

When asked about his knowledge regarding his case he said the NDS told him he was a Taliban who had been in the area of an explosion. He has not seen a lawyer but his cousin is working on his behalf. He does not know what will happen to him next but feels he should be released as the ■ originally detained with him have.

He had not been visited by the AIHRC but the ICRC had visited both NDS and Sarpoza. He reported he had been interrogated, ■. He claims the Canadians told him he was free to go but he was transferred to NDS. He stated he was later interrogated three times while at NDS by two people one of whom was ■. He was not subjected to any ill treatment.

He was observed to be wearing handcuffs, which he said were applied only for the purpose of this interview. The CSC Director inspected his cuffs for proper application and there were no marks on his wrists. He also said that after the Attorney Generals visit from Kabul last week the order was given not to use any shackles.

- b. Our second interview was with ■ who was originally transferred to NDS on ■ 2007.

Name [redacted] / Father's full name [redacted] / Grandfather's name [redacted] / Sex: male / Age: [redacted]  
Identification Serial Numbers [redacted] / Place of birth: [redacted] / Nationality: [redacted] / Tribe: [redacted] / General  
physical condition upon transfer: Fit for transfer, no medical complaints

This was our [redacted] interview with this prisoner. He was interviewed at NDS on [redacted]

He arrived at Sarpoza [redacted] ago making it the beginning of [redacted]. He has had contact with his family at Sarpoza, but for the [redacted] at NDS his family had not been allowed to visit.

When asked if he knew why he was here he said he was at home when he was arrested, that he has personal enemies in his village who have had a part to play in his arrest. He also stated his identity has been confused with that of [redacted] and that while his ID was burnt by the Russians we could verify his account through the State Office. He does not have a lawyer.

The AIHRC came to NDS but did not see him personally. The ICRC saw him when at NDS. He said he was interrogated once in KAF. While at NDS he was interrogated 6-7 times. He now states that he did not tell the truth in previous interviews and that during NDS interrogation had been kept awake for 3-4 days and made to keep his hands raised above his head. He also used the words beat and torture. When asked to expand he said a power cable or wire and pointed to his know with what as his eyes were covered. When asked what was used he said a power cable or wire and pointed to his side and his buttocks. By torture he meant having been locked in the NDS kitchen area and kept awake. When asked why he didn't come forward with this information previously he said he didn't trust us because we turned him over to NDS. He said he didn't share this information with the ICRC or ask for a doctor.

He was wearing handcuffs during our interview. He said he didn't want us to release any of this information until he had been released.

c. Our third interview was with [redacted] who was originally transferred to NDS on [redacted] 2007.

Detainee #2 - Name [redacted] / Father's full name: [redacted] / Grandfather's name: [redacted] / Sex: [redacted] / Age: [redacted] /  
Identification Serial Numbers: [redacted] / Place of birth: [redacted] / Nationality: [redacted] / Tribe: [redacted] / General physical  
condition upon capture: [redacted]

We first interviewed him on [redacted] at the NDS.

In this interview, which was rushed due to Force Protection time constraints, he indicated that he had been at Sarpoza for [redacted] which would mean a transfer date at the [redacted]. He stated that he did not know why he had been detained. He had only been interrogated one time at NDS. He stated he had been at his [redacted] in [redacted] when two mortars hit near the front yard and killed five people. He ran from the house, encountered the Taliban and then ran to hide. He had been [redacted]. He does not know what will happen next but has heard many detainees get sentences of 16 years. He has no lawyer. AIHRC and ICRC had visited him at NDS but not Sarpoza. He was wearing handcuffs during the interview.

### 3. Compliance with Terms of Canada-Afghanistan Detainee Transfer Arrangements

Sarpoza officials were aware of the detainee transfer Arrangements and were willing to allow us to interview detainees transferred by Canadian Forces.

### 4. Priority Requirements and Recommendations

We were pleased to see first hand that the use of leg irons has ceased at Sarpoza. Given the overcrowding in some cells we will look to assist the prison [redacted]