

Detainees
6/30

KABUL -GR -C4R

From: KANDH -C4R
Sent: June 30, 2007 1:37 PM
To: KANDH -KAF -C4R
Cc: KABUL -GR -C4R
Subject: RE: A question on the transfer of Minors

SECRET CEO

Hi Kevin,

I don't know what the relevant Afghan legislation says, and our LEGAD is on leave, so that's one where KABUL is better placed to answer than we are.

That said, I'm fairly sure I know who you need to ask about the international humanitarian law/human rights angle-- if JLAH/Sabine Nolke doesn't handle it, she'll definitely know who does. For the Canadian policy decision I'm thinking IRH-GHA/Elissa Golberg, with a c.c. to GHH (and FTAG, of course).

My own two cents is that if we are clearly dealing with a minor, we should respect whatever Afghan law dictates in terms of institutions of detention. If that mean's transferring direct to Sarpoza and not to NDS, that's do-able-- logistically challenging, but not impossible. Mind you, you'll probably have trouble determining whether someone is a minor, as not many Afghans seem to carry a driver's license...

Cheers,
Gavin

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

From: KANDH -KAF -C4R
Sent: June 29, 2007 6:44 PM
To: KABUL -GR -C4R; KANDH -C4R
Subject: A question on the transfer of Minors

SECRET CEO

Richard and Gavin,

As noted in Richard's e-mail below, in response to my query about to whom should we be transferring minors, the Commander has asked for a "ruling from DFAIT" on this one. This is obviously not my forté, so I just wanted to run this by you two, before I go firing off notes to Ottawa. To date, I believe that we simply transfer everyone to the NDS. I am not aware of any specific arrangements made for minors. I took a quick look through our SOPS and the MOU with the Afghan Gov't and did not see any reference to this point. If it is Afghan law then perhaps we simply rely on the NDS to turn them over to the MOJ. At what age is someone a minor here?

Would appreciate your collective wisdom, before I seek Ottawa's guidance on how the CF should handle the case of a minor.

Cheers,
Kevin

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

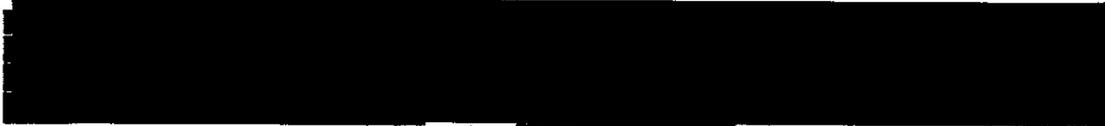
From: KABUL -GR -C4R
Sent: June 29, 2007 4:29 AM
To: KANDH -KAF -C4R
Subject: RE: Follow-up RE: KBGR0294 -- Detainees: Site visit to Kabul NDS Detention Facility

SECRET CEO

Hi Kevin,

The four names were listed in our earlier monitoring report (on individuals, not the facility -- KBGR0291 of 6 June 07). However, at the time there was considerable confusion about their identities. Now we have the original files,

which lists their names as follows:



Incidentally, the [redacted] was called [redacted] so presumably targeted [redacted]

On minors, our understanding is that this is GoA law. We do not know if ISAF has a policy on this issue or not; will ask them next time we see them. I don't think Canada has ever specifically considered this question. It would be a good one to raise with HQ.

Cheers,
Richard

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

From: KANDH -KAF -C4R
Sent: June 28, 2007 2:16 AM
To: KABUL -GR -C4R
Subject: Follow-up RE: KBGR0294 -- Detainees: Site visit to Kabul NDS Detention Facility

SECRET CEO

Richard and/or Catherine,

A question, ref this report. I am sure were Martin here, he could answer these off of the top of his head, but alas, I'll have to call upon your kind services. Martin shared this report with the General, who had follow-up questions for the MPs here. They in turn have a few questions that I can not answer.

The four detainees that are in Kabul, are not listed by name in this report. I see that Martin sent you their details, but I do not have them, nor does the MP. Or, to be more precise, I am sure we do but do not know which four individuals we are specifically talking about. Can you send their names back to me?

Para 10 notes that minors would not be handed over to NDS but to MOJ. Is that a Cdn policy, an Afghan one, is that reflected somewhere in our SOPs? The question from General Grant is how the Forces are expected to handle that. Not sure that is has ever come up in the field, but best to be prepared I guess.

Thanks,

Kevin Rex
Development Advisor to the Commander
Joint Task Force-Afghanistan

Kandahar Airfield

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

From: KABUL -GR -C4R
Sent: June 25, 2007 8:34 AM
To: BUCK Kerry -FTAG -DFD -C4
Cc: MULRONEY David -DMA -C4; SWORDS Colleen -IFM -C4; LAPORTE Eric -IDR -C4; KABUL -HOM -C4R; KABUL -GR -C4R; KANDH -C4R; KANDH -KAF -C4R; NDHQ +CEFCOM J9 -C4R; NDHQ OTT ADM (POL) -C4; SINCLAIR Jill -PCO/BCP -C4R; Public Safety -C4R
Subject: KBGR0294 -- Detainees: Site visit to Kabul NDS Detention Facility

SECRET CEO

KANDH - KAF: Please pass to General Grant
NDHQ OTT ADM (POL); For Vincent Rigby. Also please pass to JAG.
PSEPC: Pls pass to Suzanne Hurtubise

1. On June 19, KABUL conducted a site visit to the Kabul NDS detention facility. Please see attached

report.

<< File: NDS Site Visit (June 19).wpd >>

2. As KABUL has now received documentation on the four Canadian-transferred detainees supposedly held in Kabul, and it appears as though we have only visited one out of the four, we intend to request a visit with the other three sometime this week.

Drafted: Bloodworth
Approved: Colvin